

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, May 10, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.
Sir: Your Committee on Engrossed
Bills, to whom was referred

H. C. R. No. 143, Requesting the
return of Senate Bill No. 115 for cor-
rection.

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

SEVENTY-FIRST DAY

(Continued)

(Friday, May 12, 1939)

The House met at 10:00 o'clock a.
m., and was called to order by Speaker
Morse.

Prayer was offered by Rev. George
W. Coltrin, Chaplain, as follows:

"O, God, Thou art infinite, and Thy
word is our light and our guide.
Thou hast said, 'If any man lack wis-
dom let him ask of God, who giveth
to all men liberally and upbraideth
not.' Surely we always need that
understanding which will help us to
do worthily the tasks that come to
our hands. As we ask do Thou be-
stow a knowledge of Thy will. In
Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. McMurry for today, on account
of important business, on motion of
Mr. McDonald.

Mr. Kerr for today, on account of
illness in his family, on motion of
Mr. Smith of Hopkins.

Mr. Colquitt for today, on account
of illness, on motion of Mr. Hankamer.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Mohrmann offered the follow-
ing resolution:

H. C. R. No. 142, To grant Susan
Robertson permission to sue the State.

Whereas, Susan Robertson, wife of
O. B. Robertson, Sunset Brick & Tile
Company, a private corporation, and

the Estate of T. F. Harwood, deceased,
of which estate W. T. Miller is sole
independent executor, each, now own
and have owned at all times since
prior to the month of April, 1933, cer-
tain lands and premises situated in
Gonzales County, Texas, the real
estate so owned by the said Susan
Robertson consisting of Lots Nos. 3
and 4 in Block No. 1 of the original
Inner Town of Gonzales and 57.45
acres of land out of the Green De-
Witt Survey No. 1, Abstract No. 15;
the real estate so owned by said Sun-
set Brick & Tile Company consisting
of 24.3 acres of land out of said
Green DeWitt Survey No. 1, Abstract
No. 15; and the real estate so owned
by the Estate of T. F. Harwood, de-
ceased, consisting of 30 acres of land,
more or less, parts of the Green De-
Witt Survey No. 1, Abstract No. 15,
and the J. Ruth Survey, Abstract No.
404, and Block No. 15 and the south
end of what was formerly St. James
Street in the original Inner Town of
Gonzales; and

Whereas, After the month of
March, 1933, and during the years
1933-1934, the State of Texas by and
through the State Highway Commis-
sion constructed and improved a high-
way extending through Gonzales
County, Texas, known as State High-
way No. 29, and, in constructing and
improving that portion of said high-
way extending in a southerly direction
from the city limits of the City of
Gonzales to and beyond the Guadalupe
River, built up and erected and con-
structed a high road dump or em-
bankment without any opening therein
between the limits of said city and
said river, all in such way that the
said above named owners of the afore-
said lands lying above and up-river
from such embankment claim and as-
sert that such embankment impedes
and holds back and raises the flood
waters moving down the river valley
from above such embankment and to
greatly raise the height and increase
the width of the flood waters of such
river above or up-river from such em-
bankment and to impound such waters
and cause same to rise to higher levels
and to spread out and cover much
more lands located up-river from such
embankment, including the above-
mentioned lands, than was the case
before such embankment was con-
structed, and in such manner as to
overflow and to obstruct and inter-

fere with natural flow of water over and away from such lands and to create lakes or ponds of water on portions thereof and to otherwise damage such lands and the improvements located thereon and to greatly impair or destroy the value and use thereof, and that said lands and the improvements thereon were thereby caused to be especially heavily damaged and/or destroyed by the overflow of flood waters on or over said lands during June, 1935, and in July and September, 1936, and on the occasion of subsequent rises in such river, and such damages are continuing damages to such lands, and that the values of such properties are permanently impaired; and

Whereas, None of the above-named owners of the aforesaid lands have been compensated by the State of Texas or by the State Highway Commission, or otherwise, for the damages claimed to have been sustained by them, respectively, and they each desire to establish a claim against the State of Texas and the State Highway Commission for their damages resulting from the construction and maintenance of the aforesaid road embankment; now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the said Susan Robertson and her husband, O. B. Robertson, Sunset Brick & Tile Company, and W. T. Miller, as independent executor of the Estate of T. F. Harwood, deceased, and each of them, their executors, administrators, heirs, successors and assigns, be, and they and each of them are hereby, given and granted the permission and consent of the Legislature of the State of Texas to bring and prosecute suit or suits against the State of Texas and the State Highway Commission of Texas in any court or courts of competent jurisdiction in Gonzales County, Texas, for the purpose of determining and recovering the compensation and damages, if any, which he, she or they, respectively, are entitled to recover by reason of or resulting from the construction and maintenance of the aforesaid embankment and by reason of the premises above set out, and that any cause of action and/or causes of action which the above-named landowners, or any one of them, may have, shall not be barred by limitation until two (2) years from and after the date

upon which this resolution becomes effective; and, be it further

Resolved, That in the event judgment is recovered against the State of Texas and/or the State Highway Commission, the State and said Commission may appeal from such judgment, as provided by law, without executing any bond, and if a final judgment or judgments being recovered against the State of Texas or said State Highway Commission, or against both of them, in any such suit or suits, the same shall be paid in full out of the State Highway funds; and, be it further

Resolved, That service of citation and other processes of law in any such suit or suits may be had upon the Chairman of the State Highway Commission and the Attorney General of Texas with the same force and effect as in ordinary civil cases.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

HOUSE BILL NO. 723 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 723, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; providing that before payment of any claim shall be paid from funds hereby appropriated the same shall have the approval of the State Comptroller, the State Auditor, and the Attorney General, and provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named, and declaring an emergency."

The bill having heretofore been read second time, with committee amendment, by Mr. Fielden, pending.

Mr. Isaacks offered the following amendment to the committee amendment:

Amend House Bill No. 723, by striking out all of line 16, page 14, Section 1, and by inserting in lieu thereof, the following:

"To reimburse the growers and producers of cotton for expenses incurred during the years from 1933 through 1936 by reason of the establishment by the State of Texas of regulations

requiring such growers and producers of cotton to pay for fumigation of cotton and sterilization of seed, all of which was done to prevent the spread of the pink boll worm; and also to pay the expenses of the Compensation Claim Board in carrying out the provisions of this Act; provided no claim shall be paid out of this fund unless same has been allowed by the Compensation Claim Board, or by a final judgment as provided for in Chapter 3, Title 4, Revised Civil Statutes of 1925, and as provided for in Chapter 42, Acts of the Regular Session, Forty-first Legislature. Provided that none of the funds appropriated by this Act shall ever be used to reimburse any one for land not planted to cotton by order of the Pink Bollworm Commission, creating a non-cotton zone. The certificates of the Chairman of the Compensation Claim Board approved by the State Commissioner of Agriculture, shall be sufficient evidence to the Comptroller upon which he shall audit the claims of persons, firms and corporations and members of the Compensation Claim Board herein mentioned, and issue the necessary warrants for same upon the State Treasury of the State of Texas for the respective amounts. It is further provided that should the sum herein appropriated be insufficient to pay the claims of all growers and producers of cotton in full then the sum appropriated shall be prorated among the growers and producers of cotton, and each such grower or producer shall receive that proportion of the total appropriation that his individual claim bears to the total claim approved by the Compensation Board. No part of money herein appropriated to reimburse farmers for expenses incident to the establishment of regulated pink boll worm zones shall be paid directly or indirectly for commissions or fees to any person or persons for securing the passage of this bill or for services before committees or with Members of the Legislature to secure its passage.....\$200,000.00."

ISAACKS,
HANKAMER,
CAUTHORN,
BRIDGERS,
MONKHOUSE,
LEONARD,
VALE,
GOODMAN,

HARDEMAN,
CELAYA.

Mr. Fielden moved that the amendment be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—68

Allen	Kinard
Allison	Lehman
Alsup	Little
Bailey	Loggins
Baker	London
of Fort Bend	McAlister
Baker of Grayson	McDonald
Boethel	McFarland
Bond	McNamara
Boyd	Montgomery
Boyer	Newell
Bradbury	Nicholson
Bray	Oliver
Brown of Cherokee	Pace
Burkett	Pevehouse
Chambers	Reader of Erath
Clark	Reaves
Cockrell	Riviere
Cornett	Roach
Crossley	Russell
Davis of Jasper	Schuenemann
Davis of Upshur	Smith of Frio
Donaghey	Smith of Hopkins
Faulkner	Taylor
Felty	Tennant
Ferguson	Thornton
Fielden	Vint
Fuchs	Voigt
Gordon, Mrs.	Waggoner
Harper	Wells
Harrell of Lamar	Westbrook
Harris	White
Hunt	Wilson
Johnson of Ellis	Wood
Kennedy	

Nays—38

Bell	Isaacks
Bridgers	Kersey
Broadfoot	Langdon
Burney	Leonard
Cauthorn	Leyendecker
Coleman	Lock
Dowell	Monkhouse
Galbreath	Petsch
Gilmer	Piner
Hamilton	Pope
Hankamer	Ragsdale
Hardeman	Rhodes
Hardin	Roberts
Holland	Segrist
Howington	Shell

Smith
of Matagorda
Spencer
Stinson
Stoll

Tarwater
Turner
Vale
Worley

Absent

Anderson	Hartzog
Blankenship	Howard
Bradford	Hull
Brown	Johnson of Tarrant
of Nacogdoches	Keith
Bundy	Kerr
Celaya	King
Cleveland	Mays
Colson, Mrs.	McDaniel
Corry	Mohrmann
Daniel	Morris
Dean	Reader of Bexar
Derden	Reed
Dickison	Robinson
Dickson	Skiles
Dwyer	Talbert
Goodman	Thornberry
Hale	Weldon
Harp	Winfree
Harrell of Bastrop	Wright

Absent—Excused

Colquitt	Kern
Heflin	McMurry

REASON FOR VOTE

I voted against the Isaacks amendment to House Bill No. 723 for the reason it called for too much money to be passed without careful study.

REAVES.

Mr. Thornton offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 723, by adding the following before the grand total appearing on page 14, line 17, and changing the grand total accordingly:

"To pay H. H. Treaccar, District Clerk, Galveston County, Texas, on Warrant No. 155275, dated June 6, 1935, payable to J. C. Gengler, (now deceased) on which payment is prohibited by the Statute of Limitations, \$130.30.

"To pay H. H. Treaccar, District Clerk, Galveston County, Texas, on Warrant No. 155276, dated June 6, 1935, payable to J. C. Gengler, (now deceased) on which payment is prohibited by the Statute of Limitations, \$74.10."

THORNTON,
ROBINSON.

The amendment was adopted.

Mr. Thornton offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to House Bill No. 723, by striking out the words on page 10, line 39, "George D. Flood, 2314 Strand Street," and inserting in lieu thereof, "Mrs. Hanna M. Flood."

THORNTON,
ROBINSON.

The amendment was adopted.

Mr. Gilmer offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 723, by inserting on page 14, after line 14, a new item to read, as follows:

"To W. W. Wingfield and D. W. Sandel, for refund of grazing lease rental for cancelled grazing lease, \$17.50," and amending the grand total of all items in said committee amendment No. 1, line 17, page 14 to include the item added, to-wit, "\$17.50."

The amendment was adopted.

Mr. Heflin offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 723, Section 1, page 14, following the figures, "\$100.00" in line 15, by adding the following:

"To Klein Ice Cream Co. for refund of Chain Store Tax, Comptroller's receipt No. 068310 dated January 3, 1937, being for refund on over-payment of Chain Store Tax, \$320.34."

HEFLIN,
HARDEMAN.

The amendment was lost.

Mr. Mays offered the following amendment to the committee amendment:

Amend House Bill No. 723, committee amendment No. 1, by adding a new Section to be known as Section 1a:

"Section 1a: There is hereby appropriated out of General Revenue Fund, the sum of \$68,920.62, to pay outstanding warrants for armory rent which have been outstanding since the Sterling administration as per attached list."

Section 1a. That the following sums of money, or so much thereof as

may be necessary, be and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay past due rent of

Armories, from March 1, 1932, to August 31, 1932, under lease to the National Guard of the State of Texas, as herein enumerated.

Fort Worth Building Corporation, Fort Worth, Texas.....	\$ 1,980.00
Merchant & Manufacturers Building Company, Houston, Texas.....	445.20
Sam J. Williams, Galveston Texas.....	390.00
John B. and Cora G. Leeper, Denison, Texas.....	525.00
First National Bank, Brenham, Texas.....	120.00
Travis Investment Company, Inc., San Antonio, Texas.....	600.00
Commercial Realty & Investment Company, San Antonio, Texas.....	3,000.00
Lockhart Lodge, A.F.A.M., Lockhart, Texas.....	450.00
Mrs. Mable Donaldson, Moody, Texas.....	510.00
International Warehouse Company, Inc., El Paso, Texas.....	750.00
W. E. Neyland & Son, Goliad, Texas.....	420.00
H. M. Ainsworth, Luling Texas.....	480.00
Gonzales Lodge, I.O.O.F. No. 38, Gonzales, Texas.....	420.00
R. D. Miller, Waelder, Texas.....	300.00
City of Brownwood, Brownwood, Texas.....	900.00
Mrs. B. H. Melton, Santa Anna, Texas.....	450.00
Harbour & Sons, Inc., Coleman, Texas.....	450.00
Claude McCauley, San Antonio, Texas.....	195.00
R. G. Erwin, Agent, Ballinger, Texas.....	260.00
Stephenville Lodge, A.F.A.M. No. 267, Stephenville, Texas.....	360.00
W. E. Hubbard, Sweetwater, Texas.....	510.00
American Legion Post No. 97, Canyon, Texas.....	390.00
H. G. Towle, Snyder, Texas.....	450.00
The Axtel Company, Wichita Falls, Texas.....	1,650.00
City of Stamford, Stamford, Texas.....	450.00
H. H. Hagman, Ranger, Texas.....	450.00
C. F. Kolp, Electra, Texas.....	360.00
Dr. A. W. Dunn, Marshall, Texas.....	660.00
Waco Medical Arts Building Company, Waco, Texas.....	100.00
Buchanan Realty Company, Waco, Texas.....	975.00
City of Houston, Houston, Texas.....	450.00
C. Robinson, Waco, Texas.....	450.00
Tom C. Parks and Chris Aars, Clifton, Texas.....	300.00
J. L. Summers, Rusk, Texas.....	360.00
City of Mexia, Mexia, Texas.....	360.00
Board of Education, Beaumont, Texas.....	300.00
H. H. Berryman, Alto, Texas.....	180.00
First National Bank, Temple, Texas.....	180.00
J. W. and J. R. Harvey, Caldwell, Texas.....	450.00
L. B. Baldwin, Manager, Huntsville, Texas.....	480.00
Houston Light Guards Veterans' Ass'n, Houston, Texas.....	750.00
J. F. Lyon, Somerville, Texas.....	450.00
E. T. Underwood, Itasca, Texas.....	450.00
Mrs. Julia C. Mayer, Estate, Belton, Texas.....	360.00
Colonial Trust Company, Hillsboro, Texas.....	600.00
H. L. Spencer, West, Texas.....	210.00
Mitchell, Gartner & Walton, Agents, Fort Worth, Texas.....	1,950.00
W. H. Moore, Fort Worth, Texas.....	270.00
A. F. Wood, Athens, Texas.....	600.00
W. A. Howe, Estate, Atlanta, Texas.....	300.00
Louie Richkie, Longview, Texas.....	450.00
Jacob Label, Terrell, Texas.....	450.00
W. A. Taylor, Timpson, Texas.....	390.00
Dallas Infantry Ass'n, Dallas, Texas.....	1,890.00
McClinton & Bowers, Clarksville, Texas.....	360.00
Mrs. Lucile Wilcoxson, Winnsboro, Texas.....	360.00
Naud Burnett, Greenville, Texas.....	450.00
American Legion Post No. 303, Wills Point, Texas.....	300.00
Artillery Riding Club, San Antonio, Texas.....	900.00

J. M. Radford, Abilene, Texas.....	900.00
Plainview Chamber of Commerce & Agriculture, Plainview, Texas.....	960.00
Lon Sellers, Amarillo, Texas.....	2,700.00
A. M. Leftwich, Sr., Lubbock, Texas.....	1,260.00
Texas Technological College, Lubbock, Texas.....	150.00
H. M. and W. A. Helm, Decatur, Texas.....	325.00
West Texas Fair Association, Abilene, Texas.....	600.00
Jacksboro Battery Association, Jacksboro, Texas.....	750.00
The Allen Investment Company, Dallas, Texas.....	180.00
Dallas Artillery Company, Dallas, Texas.....	600.00
J. M. Caviness, Paris, Texas.....	300.00
Mrs. Hewlett Martin, Bonham, Texas.....	540.00
Lamar County Fair Association, Paris Texas.....	600.00
W. H. Goldsmith, Cleburne, Texas.....	750.00
Parker County Fair Association, Weatherford, Texas.....	750.00
Farmers Cotton Yard, Italy, Texas.....	450.00
Navarro Manufacturing Company, Corsicana, Texas.....	960.00
Sam Rowe, Kerens, Texas.....	600.00
Central East Texas Fair Association, Marshall, Texas.....	900.00
F. E. McCown, Kerens, Texas.....	90.00
The Armory Auditorium Association, Port Arthur, Texas.....	1,500.00
J. E. Walthall, Bowie, Texas.....	330.00
R. O. Hudspeth and Mrs. F. J. Phillips, Greenville, Texas.....	450.00
Welder, Welder & Buhler, Victoria, Texas.....	390.00
City of Houston, Houston, Texas.....	450.00
R. A. Remschel, Gonzales, Texas.....	600.00
Houston Airport Corporation, Houston, Texas.....	2,100.00
D. S. Ross, Estate, Fort Worth, Texas.....	990.00
The First National Bank, DeKalb, Texas.....	300.00
Dr. Preston Hunt, Texarkana, Texas.....	750.00
Calcasieu Lumber Company, Austin, Texas.....	340.42
Houston Chronicle Publishing Company, Houston, Texas.....	480.00
Houston Cavalry Club, Houston, Texas.....	930.00
T. W. Garrett, Manager, Dallas Texas.....	240.00
Geo. A. Brewer, Jr., President, Dallas, Texas.....	810.00
Mrs. C. Baratini, Dallas, Texas.....	270.00
John B. Dunlap, President, Dallas, Texas.....	810.00
The Galloping Trooper, Inc., Dallas, Texas.....	750.00
Dallas Cavalry Club, Dallas, Texas.....	750.00
W. C. Hixson and C. K. Bullard, assignees of Wesley Peacock, Jr., and Don Peacock, Dallas, Texas.....	500.00
B. F. Farrar, Dallas, Texas.....	250.00
Mrs. Nathalia Liebreich Frost and Rae Liebreich, Tyler, Texas.....	270.00
Caldwell, Hughes, Delay & Allen, Tyler, Texas.....	300.00
Alamo City Cavalry Club, San Antonio, Texas.....	900.00
Brenham Cavalry Club, Inc., Brenham, Texas.....	750.00
Fort Worth Cavalry Club, Inc., Fort Worth, Texas.....	1,710.00
Mineral Wells Cavalry Club, Mineral Wells, Texas.....	870.00
Estate of Mrs. Virginia Taylor, Deceased, Coleman, Texas.....	90.00
City of Wichita Falls, Wichita Falls, Texas.....	1,625.00
Total.....	\$ 68,920.62

Sec. 2. The lease and rental contracts and agreements of the various units of the Texas National Guard for armories and headquarters space of the divisions, brigades, regiments, battalions, companies, troops, batteries and detachments, covering the period from March 1, 1932, to August 31, 1932, inclusive, be and are ratified, adopted, confirmed and validated, and all acts of the Adjutant General and

the Governor of the State of Texas performed in connection with such leases and rental contracts and agreements are likewise ratified, adopted, confirmed and validated, and it is recognized that the State of Texas is justly and legally obligated to the various owners of the buildings and property used and occupied by said units of the National Guard during the period from March 1, 1932, to

August 31, 1932, inclusive, in the amounts as set forth in Section 1 hereof."

Mr. Morris moved that the amendment be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—39

Allen	Lock
Alsup	Loggins
Boethel	McFarland
Bond	Morris
Boyd	Newell
Brown	Oliver
of Nacogdoches	Roach
Bundy	Roberts
Burkett	Schuenemann
Clark	Smith
Cleveland	of Matagorda
Cockrell	Stoll
Cornett	Talbert
Crossley	Tarwater
Dwyer	Tennant
Ferguson	Thornton
Fielden	Vale
Harp	Vint
Hunt	Voigt
Kerr	Westbrook
King	

Nays—76

Allison	Holland
Bailey	Howard
Baker	Howington
of Fort Bend	Isaacks
Baker of Grayson	Johnson of Ellis
Bell	Johnson of Tarrant
Blankenship	Keith
Bradbury	Kennedy
Bradford	Kersey
Bray	Kinard
Broadfoot	Langdon
Brown of Cherokee	Lehman
Burney	Leyendecker
Cauthorn	London
Davis of Jasper	Mays
Davis of Upshur	McAlister
Dickson	McDaniel
Dowell	McDonald
Faulkner	McNamara
Fuchs	Mohrmann
Galbreath	Montgomery
Goodman	Nicholson
Hale	Pace
Hamilton	Pevehouse
Hardeman	Piner
Hardin	Reader of Erath
Harper	Reaves
Harrell of Lamar	Reed
Harris	Rhodes

Riviere	Waggoner
Robinson	Weldon
Russell	Wells
Segrist	White
Smith of Frio	Wilson
Smith of Hopkins	Winfree
Spencer	Wood
Stinson	Worley
Taylor	Wright
Turner	

Absent

Anderson	Gordon, Mrs.
Boyer	Hankamer
Bridgers	Harrell of Bastrop
Celaya	Hartzog
Chambers	Hull
Coleman	Leonard
Colson, Mrs.	Little
Corry	Monkhouse
Daniel	Petsch
Dean	Pope
Derden	Ragsdale
Dickison	Reader of Bexar
Donaghey	Shell
Felty	Skiles
Gilmer	Thornberry

Absent—Excused

Colquitt	Kern
Heflin	McMurry

Question then recurring on the amendment by Mr. Mays, it was adopted.

Mr. Mays moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Skiles offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 723, by adding the following before the grand total appearing on page 14, line 17, and changing the grand total accordingly: "To pay North Texas State Teachers College in payment of Warrant No. 163510 barred by limitation, \$18.00."

The amendment was adopted.

Mr. Little offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 723, by inserting the following:

"To pay Curtis Douglass, Panhandle, Texas, for 28 days service as Special Judge of the 84th District Court of Hutchinson County, Texas, the sum of \$383.32."

The amendment was adopted.

Mr. Boyer offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 723, by adding a new item at line 17, page 14 thereof, as follows:

"To pay Sid Lackey, Gruver, Texas, for Warrant No. 74245, dated August 1, 1934, to be paid out of the Highway Motor Fuel Tax Fund, \$27.31."

The amendment was adopted.

Mr. Boyd offered the following amendment to the committee amendment:

Amend House Bill No. 723, page 12 of the printed bill, by adding after line 36, the following:

"To pay The Steck Company, Austin, Texas, Warrant No. 182779, dated June 19, 1933, on which payment is prohibited by the Statute of Limitation, \$107.74."

The amendment was adopted.

Mr. Schuenemann offered the following amendment to the committee amendment:

Amend House Bill No. 723, committee amendment No. 1, Section 1, by adding thereto, the following:

"To pay Mrs. Pauline Orts, Floresville, Texas, transcript fees as Official Court Reporter in Cause No. 3117, of the District Court of Wilson County, Texas, 81st Judicial District of Texas, the State of Texas vs. Jesus Herrera, \$23.50."

The amendment was adopted.

Mr. Fielden offered the following amendment to the committee amendment:

Amend House Bill No. 723, by changing the totals to conform to amendments.

The amendment was adopted.

The committee amendment, as amended, was then adopted.

House Bill No. 723 was then passed to engrossment.

HOUSE BILL NO. 723 ON THIRD READING

Mr. Fielden moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 723 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—126

Allen	Johnson of Tarrant
Allison	Kennedy
Alsup	Kerr
Anderson	Kersey
Bailey	Kinard
Baker	King
of Fort Bend	Langdon
Baker of Grayson	Lehman
Bell	Little
Blankenship	Lock
Boethel	Logging
Bond	London
Boyd	McAlister
Boyer	McDaniel
Bradbury	McDonald
Bradford	McFarland
Bray	McNamara
Broadfoot	Mohrmann
Brown of Cherokee	Monkhouse
Brown	Montgomery
of Nacogdoches	Morris
Burkett	Newell
Burney	Nicholson
Cauthorn	Oliver
Clark	Pace
Cleveland	Pevchouse
Cockrell	Piner
Colson, Mrs.	Pope
Cornett	Reader of Bexar
Crossley	Reader of Erath
Daniel	Reaves
Davis of Jasper	Reed
Davis of Upshur	Rhodes
Derden	Riviere
Dickison	Roach
Dickson	Roberts
Dowell	Robinson
Dwyer	Russell
Faulkner	Schuenemann
Felty	Segrist
Ferguson	Shell
Fielden	Skiles
Fuchs	Smith of Frio
Galbreath	Smith of Hopkins
Gilmer	Smith
Gordon, Mrs.	of Matagorda
Hale	Spencer
Hamilton	Stinson
Hardeman	Stoll
Hardin	Talbert
Harp	Tarwater
Harper	Tennant
Harrell of Lamar	Thornberry
Harris	Thornton
Holland	Turner
Howard	Vale
Howington	Vint
Hull	Voigt
Hunt	Waggoner
Isaacks	Weldon
Johnson of Ellis	Wells

Westbrook
White
Wilson
Winfree

Wood
Worley
Wright

Absent

Bridgers
Bundy
Celaya
Chambers
Coleman
Corry
Dean
Donaghey
Goodman
Hankamer

Harrell of Bastrop
Hartzog
Keith
Leonard
Leyendecker
Mays
Petsch
Ragsdale
Taylor

Absent—Excused

Colquitt
Heflin

Kern
McMurry

The Speaker then laid House Bill No. 723 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—131

Allen
Allison
Alsup
Anderson
Bailey
Baker
of Fort Bend
Baker of Grayson
Bell
Blankenship
Boethel
Bond
Boyd
Boyer
Bradbury
Bradford
Bray
Broadfoot
Brown of Cherokee
Brown
of Nacogdoches
Bundy
Burkett
Burney
Cauthorn
Clark
Cleveland
Cockrell
Cornett
Crossley
Daniel
Davis of Jasper
Davis of Upshur
Dean
Derden
Dickison

Dickson
Dowell
Dwyer
Faulkner
Felty
Ferguson
Fielden
Fuchs
Galbreath
Gilmer
Gordon, Mrs.
Hale
Hamilton
Hankamer
Hardeman
Hardin
Harp
Harper
Harrell of Lamar
Harris
Hartzog
Holland
Howard
Howington
Hull
Hunt
Isaacks
Johnson of Ellis
Johnson of Tarrant
Kennedy
Kerr
Kersey
Kinard
King
Langdon
Lehman

Leyendecker
Little
Lock
Loggins
London
Mays
McAlister
McDaniel
McDonald
McFarland
McNamara
Mohrmann
Monkhouse
Montgomery
Morris
Newell
Nicholson
Oliver
Pace
Pevehouse
Piner
Pope
Reader of Bexar
Reader of Erath
Reaves
Reed
Rhodes
Riviere
Roach
Roberts
Robinson

Russell
Schuenemann
Segrist
Skiles
Smith of Frio
Smith of Hopkins
Smith
of Matagorda
Spencer
Stinson
Stoll
Talbert
Tarwater
Taylor
Tennant
Thornberry
Thornton
Turner
Vale
Vint
Voigt
Waggoner
Weldon
Wells
Westbrook
White
Wilson
Winfree
Wood
Worley
Wright

Absent

Bridgers
Celaya
Chambers
Coleman
Colson, Mrs.
Corry
Donaghey

Goodman
Harrell of Bastrop
Keith
Leonard
Petsch
Ragsdale
Shell

Absent—Excused

Colquitt
Heflin

Kern
McMurry

Mr. Fielden moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

CONCURRENCE IN SENATE
AMENDMENTS TO HOUSE
BILL NO. 922

Mr. Petsch moved to reconsider the vote by which the House refused to concur in Senate amendments to House Bill No. 922, and that the Senate be requested for a Conference Committee to adjust the differences between the two Houses.

The motion to reconsider prevailed.

Mr. Petsch then withdrew the motion that the House do not concur in

the Senate amendments to House Bill No. 922.

Mr. Petsch moved that the House concur in the Senate amendments to House Bill No. 922.

The motion prevailed by the following vote:

Yeas—119

Allen	Howington
Allison	Hunt
Alsup	Isaacks
Anderson	Johnson of Ellis
Bailey	Johnson of Tarrant
Baker	Kennedy
of Fort Bend	Kerr
Baker of Grayson	Kersey
Bell	Kinard
Bond	King
Boyd	Langdon
Boyer	Lehman
Bradbury	Leyendecker
Bradford	Lock
Bray	Loggins
Broadfoot	London
Brown of Cherokee	McAlister
Brown	McFarland
of Nacogdoches	McNamara
Bundy	Mohrmann
Burkett	Montgomery
Burney	Morris
Cauthorn	Newell
Clark	Nicholson
Cleveland	Pace
Cockrell	Petsch
Colson, Mrs.	Pevehouse
Cornett	Piner
Crossley	Pope
Daniel	Ragsdale
Davis of Jasper	Reader of Erath
Davis of Upshur	Reaves
Dean	Reed
Dickison	Rhodes
Dickson	Riviere
Faulkner	Roach
Felty	Roberts
Ferguson	Russell
Fielden	Schuenemann
Fuchs	Segrist
Galbreath	Skiles
Gilmer	Smith of Frio
Goodman	Smith of Hopkins
Gordon, Mrs.	Smith
Hale	of Matagorda
Hamilton	Spencer
Hankamer	Stinson
Hardeman	Stoll
Hardin	Talbert
Harp	Tarwater
Harper	Taylor
Harrell of Lamar	Tennant
Harris	Thornberry
Holland	Thornton
Howard	Turner

Vale	White
Voigt	Wilson
Waggoner	Winfree
Weldon	Wood
Wells	Worley
Westbrook	Wright

Present—Not Voting

Vint

Absent

Blankenship	Hull
Boethel	Keith
Bridgers	Leonard
Celaya	Little
Chambers	Mays
Coleman	McDaniel
Corry	McDonald
Derden	Monkhouse
Donaghey	Oliver
Dowell	Reader of Bexar
Dwyer	Robinson
Harrell of Bastrop	Shell
Hartzog	

Absent—Excused

Colquitt	Kern
Heflin	McMurry

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 904

The Speaker announced the appointment of the following Conference Committee on House Bill No. 904: Messrs. Pevehouse, Langdon, Dickson, Johnson of Ellis and Worley.

HOUSE BILL NO. 928 WITH SEN- ATE AMENDMENTS

Mr. Hull called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 928, A bill to be entitled "An Act amending Article 4705, Article 4706, and Article 4993 and repealing Article 5006 of the Revised Civil Statutes of Texas of 1925, designating the funds and securities of which the capital stock of insurance companies incorporated under the provisions of Title 78, Chapter 2 of the Revised Civil Statutes of Texas, shall consist, designating the securities in which funds of such companies may be invested, providing certain limitations on the amount of capital stock of general casualty companies and requiring deposits to be made by such companies, and declaring an emergency."

On motion of Mr. Hull, the House concurred in the Senate amendments by the following vote:

Yeas—123

Allen	Kennedy
Allison	Kerr
Anderson	Kinard
Bailey	King
Baker	Langdon
of Fort Bend	Lehman
Baker of Grayson	Leyendecker
Bell	Little
Bond	Lock
Boyd	Loggins
Boyer	London
Bradbury	McAlister
Bradford	McDaniel
Bray	McFarland
Broadfoot	McNamara
Brown of Cherokee	Mohrmann
Bundy	Monkhouse
Burkett	Montgomery
Burney	Morris
Cauthorn	Newell
Chambers	Nicholson
Clark	Oliver
Cleveland	Pace
Cockrell	Petsch
Colson, Mrs.	Pevehouse
Cornett	Piner
Crossley	Ragsdale
Daniel	Reader of Bexar
Davis of Jasper	Reader of Erath
Davis of Upshur	Reaves
Dean	Reed
Dickison	Rhodes
Dickson	Riviere
Dowell	Roach
Dwyer	Roberts
Faulkner	Robinson
Felty	Russell
Ferguson	Schuenemann
Fielden	Segrist
Fuchs	Skiles
Galbreath	Smith of Frio
Gilmer	Smith of Hopkins
Gordon, Mrs.	Spencer
Hale	Stinson
Hamilton	Stoll
Hardeman	Talbert
Hardin	Tarwater
Harp	Taylor
Harrell of Lamar	Tennant
Harris	Thornberry
Hartzog	Thornton
Holland	Turner
Howard	Vale
Howington	Vint
Hull	Voigt
Hunt	Waggoner
Isaacks	Weldon
Johnson of Ellis	Wells
Johnson of Tarrant	Westbrook

White
Wilson
Winfree

Wood
Worley
Wright

Present—Not Voting

Brown
of Nacogdoches

Kersey

Absent

Alsup	Harper
Blankenship	Harrell of Bastrop
Boethel	Keith
Bridgers	Leonard
Celaya	Mays
Coleman	McDonald
Corry	Pope
Derden	Shell
Donaghey	Smith
Goodman	of Matagorda
Hankamer	

Absent—Excused

Colquitt
Heflin

Kern
McMurry

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following message from the Governor:

May 12, 1939.

To the Members of the House of Representatives of the Forty-sixth Legislature:

I am vetoing and returning to you House Bill No. 893, by Mr. Dickison, which is

"An Act authorizing the Commissioners Court of counties having a population of not less than 290,000 and not more than 320,000, according to the last preceding Federal Census, to appoint a County Building Inspector and Assistants; providing for the payment of salary to such appointees; providing for the issuance of building permits by such Inspector, and authorizing a charge therefor; exempting Federal, State, county, city governments and other political subdivisions thereof from this Act; prescribing penalties for failure to secure permits; and declaring an emergency."

At the request of Senator J. Franklin Spears, who believes that it allows too much power to Commissioners' Courts and further works many injustices. For that reason I am returning it to you with my disapproval.

Very truly yours,
W. LEE O'DANIEL,
Governor of Texas.

SENATE BILL NO. 427 ON PAS-
SAGE TO THIRD READING

The Speaker laid before the House, as a special order, on its passage to third reading,

S. B. No. 427, A bill to be entitled "An Act making appropriations for support and maintenance of the executive and administrative departments and agencies of the State government for the two-year period beginning September 1, 1939, and ending August 31, 1941, etc., and declaring an emergency."

The bill having heretofore been read second time.

Mr. Thornton offered committee amendment No. 1 to the bill, which is the printed bill.

On motion of Mr. Thornton, the amendment was ordered not printed in the Journal.

(Pending consideration of the committee amendment, Mr. Russell occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Thornton offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to Senate Bill No. 427, by making the following corrective changes in the printed bill:

On page 7, strike out lines 17 through 35 and insert same between lines 6 and 7 on page 8.

On page 8 between lines 6 and 7, and immediately preceding Item 8a, insert the following: "Nursery Inspection Division (Paid from fees)."

On page 8, between lines 12 and 13, insert the following: "(Paid from fees)."

On page 9, between lines 17 and 18, insert the following: "(Paid from fees)."

On page 10, between lines 15 and 16, insert the following: "(Paid from fees)."

On page 11, between lines 10 and 11, insert the following: "(Paid from fees)."

On page 12, between lines 39 and 40, insert the following: "(Paid from fees)."

On page 13, strike out all of line 17.

On page 13, between lines 22 and 23, insert the following: "(Paid from fees)."

On page 14, between lines 26 and 27, insert the following: "(Paid from fees)."

On page 15, line 4, strike out the word "teelgraph," and insert in lieu thereof the word "telegraph."

On page 15, between lines 12 and 13, insert the following: "(Paid from fees)."

On page 16, between lines 3 and 4, insert the following: "(Paid from fees)."

On page 16, between lines 15 and 16, insert the following: "(Paid from fees)."

On page 16, line 22, after the word "part-time" add the following: "at \$150 per month."

On page 16, line 24, after the word "part-time" add the following: "at \$150 per month."

On page 20, between lines 6 and 7, insert the following: "(Paid from fees)."

On page 25, between lines 15 and 16, insert the following: "(Paid from fees)."

On page 25, line 25, strike out the figures "\$379,111.25" in both columns and insert in lieu thereof the figures "\$376,711.25."

On page 26, line 20, strike out the figures "\$432,586.25" and insert in lieu thereof the figures "\$430,186.25."

On page 30, line 34, strike out the word "all" and insert in lieu thereof the word "old."

On page 33, line 20, strike out the word "supplnes" and insert in lieu thereof the word "supplies."

On page 35, line 22, strike out the word "stenorapher" and insert in lieu thereof the word "stenographer."

On page 39, line 36, strike out the word "priveded," and insert in lieu thereof the word "provided."

On page 39, line 39, strike out the word "Rvenue" and insert in lieu thereof the word "Revenue."

On page 51, line 9, strike out the letters "clud" and insert in lieu thereof the letters "cluding."

On page 55, line 28, strike out the word "Mainteance" and insert in lieu thereof the word "Maintenance."

On page 56, line 36, strike out the word "mach" and insert in lieu thereof the word "match."

On page 57, line 20, close the parenthesis after the word "month."

On page 60, line 25, strike out the word "mainteance" and insert in lieu thereof the word "maintenance."

On page 64, line 31, strike out the word "Mainteance" and insert in lieu thereof the word "Maintenance."

On page 66, line 31, after the word "Revenue," and before the word "until" insert the word "Fund."

On page 66, line 37, strike out the word "Rvenue" and insert in lieu thereof the word "Revenue."

On page 69, line 33, strike out the figures "1,200.00" in the second column and insert in lieu thereof the figures "2,100.00."

On page 70, line 14, strike out the word "Mainteance" and insert in lieu thereof the word "Maintenance."

On page 97, line 39, strike out the word "season" and insert in lieu thereof the word "seasonal."

On page 100, line 32, strike out the letters "leanous" and insert in lieu thereof the letters "laneous."

On page 104, line 7, strike out the figures "28,000.00" in both columns and insert in lieu thereof the figures "28,800.00."

On page 105, line 36, strike out the word "Sate" and insert in lieu thereof the word "State."

On page 112, line 18, strike out the word "Bookeeper" and insert in lieu thereof the word "Bookkeeper."

On page 112, line 40, strike out the word "Bookeeper" and insert in lieu thereof the word "Bookkeeper."

On page 118, line 3, after the word "Hundred" insert the word "Dollars."

On page 119, line 31, strike out the word "Exemaining" and insert in lieu thereof the word "Examining."

On page 130, line 30, strike out the word "eignneer" and insert in lieu thereof the word "engineer."

On page 154, line 9, strike out the letters "Fiel dengineer" and insert in lieu thereof the words "Field engineer."

On page 172 line 5, strike out the word "rodaside" and insert in lieu thereof the word "roadside."

On page 174, line 7, strike out the figures "1,100.00" in the second column and insert in lieu thereof the figures "2,100.00."

On page 194, line 18, strike out the word "Senior" and insert in lieu thereof the word "Junior."

On page 194, line 19, strike out the word "Junior" and insert the word "Chief" in lieu thereof.

On page 194, line 20, strike out the word "Chief" and insert in lieu thereof the word "Senior."

On page 197, line 18, strike out the word "Mainteance" and insert in lieu thereof the word "Maintenance."

On page 197, line 28, strike out the word "mainteance" and insert in lieu thereof the word "maintenance."

On page 209, line 1, strike out the word "expendieures" and insert in lieu thereof the word "expenditures."

On page 244, line 4, strike out the word "form" and insert in lieu thereof the word "from."

On page 246, line 38, strike out the figures "2,100.00" in the second column and insert in lieu thereof the figures "2,000.00."

On page 248, line 37, strike out the word "Stenograhper" and insert in lieu thereof the word "Stenographer."

On page 253, line 40, strike out the figures "1,35.00" in the first column and insert in lieu thereof the figures "1,350.00."

On page 264, line 34, strike out the word "Highawy" and insert in lieu thereof the word "Highway."

On page 265, line 30, strike out the word "Senographer" and insert in lieu thereof the word "Stenographer."

On page 281, line 9, strike out the word "Eexecutive" and insert in lieu thereof the word "Executive."

On page 284, line 4, strike out the word "the" preceding the word "purpose" and insert in lieu thereof the word "such."

On page 291, line 27, strike out the word "take" and insert in lieu thereof the word "taken."

On page 293, line 9, strike out the word "on" and insert in lieu thereof the word "of."

On page 294, line 29, strike out the word "ported" and insert in lieu thereof the word "porter."

On page 296, line 13, strike out the letters "thoity" at the beginning of the line and insert in lieu thereof the letters "thority."

On page 298, line 16, strike out the word "manadatory" and insert in lieu thereof the word "mandatory."

On page 301, line 21, strike out the word "that" immediately following the

word "amount" and insert in lieu thereof the word "than."

On page 303, line 3, strike out the word "amonut" and insert in lieu thereof the word "amount."

On page 304, line 72, strike out the word "ont" and insert in lieu thereof the word "not."

The amendment was adopted.

Mr. Thornton offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, by striking out on page 285 all of lines 22, 23, 24 and 25, and substituting in lieu thereof, the following:

"Subject to the limitations set forth in the provisions appearing at the end of this Act and for the purpose of paying the items listed above, there are hereby appropriated to the Teacher Retirement System of Texas for each of the fiscal years ending August 31, 1940, and August 31, 1941, all monies collected and received by said System under the provisions of Senate Bill No. 47 enacted by the Regular Session of the Forty-fifth Legislature, and any amendments thereto and also any balances on hand at the end of each preceding fiscal year."

The amendment was adopted.

Mr. Thornton offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 35, by striking out Items 16 and 16-2, and inserting in lieu thereof, the following:

"Supervisor, half time (see Item 15), \$2,070.00—\$2,070.00."

The amendment was adopted.

Mr. Thornton offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 35, by striking out Item 15 and Item 15-2 and inserting in lieu thereof, the following:

"Supervisor, half time (see Item 16), \$2,070.00—\$2,070.00."

The amendment was adopted.

Mr. Thornton offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, by adding the following at the end of line 16 on page 36:

"There is hereby appropriated to the Banking Department the sum of Five Thousand (\$5,000.00) Dollars each year of the biennium 1939-1941, for the purpose of paying the items above listed for the period beginning September 1, 1939, and ending January 31, 1940, and for the period beginning September 1, 1940, and ending January 31, 1941; provided, however, said appropriations are to be repaid to the General Revenue Fund of this State out of the fees collected by the Banking Department.

"For the purpose of enforcing the Credit Union laws of this State, all fees collected under and by virtue of Chapter 11, Acts of the Forty-first Legislature, and all unexpended balances are hereby appropriated to the Banking Department."

The amendment was adopted.

Mr. Reed offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, page 78, line 5, Item 23, by striking out the following: "Depository Desk and Allocating Clerk \$1,960.00—\$1,960.00"; and

Amend page 81, by striking therefrom the following: line 12, Item 2, "Bookkeeper, \$1,620.00 — \$1,620.00" and add in lieu thereof, the following: line 12, Item 2, "Gross Receipt Tax, Deposit and Allocating Clerk Desk, \$1,960.00—\$1,960.00".

(Mr. Boyer in the Chair.)

Question recurring on the amendment by Mr. Reed, it was adopted.

(Speaker in the Chair.)

Question — Shall the committee amendment be adopted?

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 108

Mr. Howard submitted the following Conference Committee Report on House Bill No. 108:

Austin, Texas, May 12, 1939.
Hon. Coke R. Stevenson, Lieutenant Governor of Texas, and
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences

between the House and the Senate on House Bill No. 108, have met and beg leave to recommend that said House Bill No. 108 be passed in the form hereto attached.

Respectfully submitted,

VAN ZANDT,
MOORE,
PACE,
SPEARS,
GRAVES,

On the part of the Senate.

HOWARD,
STINSON,
ISAACKS,
DANIEL,
HANKAMER,

On the part of the House.

H. B. No. 108

A BILL

To Be Entitled

An Act conferring and relinquishing to the Supreme Court full rule-making power in civil judicial proceedings, repealing all laws and parts of laws governing practice and procedure in civil actions, such repeal effective on and after September 1, 1941, providing that no substantive law or part thereof is thereby repealed; investing the Supreme Court with full rule-making power and fixing September 1, 1941, as the time for such rules to become effective, unless disapproved by the Legislature; providing that such rules shall not abridge, enlarge or modify the substantive rights; providing for filing of such rules with the Secretary of State and report to the Legislature and its Members; providing for promulgation of specific rules or amendments to rules by the Supreme Court after September 1, 1941; providing and limiting the time for such rules to become effective, unless disapproved by the Legislature, and further providing for filing of such rules with the Secretary of State and the mailing of a copy thereof to each registered member of the State Bar of Texas, and report to the Legislature; providing that the Supreme Court shall file with the Secretary of State a list of all Articles or Sections of the General Laws of the State, in its judgment repealed by Section 1 of this Act, and further providing for the construction to be given such

list; providing for publication of rules; providing that if any sentence, paragraph or Section of this Act shall be held invalid or unconstitutional, that it should not invalidate any other portion of the Act, and the Legislature declares it would have passed such remaining Sections despite such invalidity, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. In order to confer upon and relinquish to the Supreme Court of the State of Texas full rule-making power in civil judicial proceedings, all laws and parts of laws governing the practice and procedure in civil actions are hereby repealed, such repeal to be effective on and after September 1, 1941. Provided, however, that no substantive law or part thereof is hereby repealed.

Section 2. The Supreme Court is hereby invested with the full rule-making power in the practice and procedure in civil actions. Such rules shall not abridge, enlarge or modify the substantive rights of any litigant. Such rules, after promulgation by the Supreme Court, shall be filed with the Secretary of State and a copy thereof mailed to each elected Member of the Legislature on or before December 1st immediately preceding the next Regular Session of the Legislature and shall be reported by the Secretary of State to the Legislature and, unless disapproved by the Legislature, such rules shall become effective upon September 1, 1941; provided, however, the Supreme Court may, from time to time after September 1, 1941, promulgate any specific rule or rules or any amendment or amendments to any specific rule or rules and make the same effective, except as hereinafter provided, at such time as the Supreme Court may deem expedient in the interest of a proper administration of justice, the same to remain in effect unless and until disapproved by the Legislature. Any such specific rule or rules or any such amendment or amendments to any specific rule or rules, shall be filed by the Clerk of the Supreme Court with the Secretary of State, and a copy thereof mailed by the said Clerk to each registered member of the State Bar of Texas, at least sixty days before the effective date thereof

and reported by the Secretary of State to the next succeeding Regular Session of the Legislature in the same manner as hereinabove provided.

Section 3. At the time it files the rules, the Supreme Court shall file with the Secretary of State a list of all Articles or Sections of the General Laws of the State of Texas, and parts of Articles and Sections of such General Laws, which, in its judgment, are repealed by Section 1 of this Act. Such list giving the construction of the Supreme Court as to the General Laws and parts of laws repealed by Section 1 shall constitute, and have the same weight and effect, as any other decision of the Supreme Court.

Section 4. Such rules shall be published in the official reports of the Supreme Court; and the Supreme Court is authorized to adopt such method as it may deem expedient for the printing and distribution of such rules.

Section 5. If any sentence, paragraph or Section of this Act shall be held invalid or unconstitutional, such holding shall not invalidate any other sentence, paragraph or Section hereof, and the Legislature hereby expressly declares that it would have passed such remaining sentences, paragraphs and Sections despite such invalidity.

Section 6. The fact that the rules of practice and procedure in the civil courts, as prescribed by legislative enactment, often result in much unnecessary delay to litigants and in great and unnecessary expense to litigants and to the State, and in unnecessary reversals and new trials upon technical procedural grounds, with consequent further delay and expense; and as a result the courts are subjected to criticism calculated to weaken and undermine in the public estimate their prestige so essential to the stability of our democratic form of government; and that it is essential to place the rule-making power in civil actions in the Supreme Court, whose knowledge, experience, and intimate contact with the problems of judicial administration render that Court particularly qualified to mitigate and cure these evils create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended, and that this Act shall take

effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Howard, the Report was adopted by the following vote:

Yeas—114

Allen	Kennedy
Allison	Kerr
Alsup	Kersey
Anderson	Kinard
Bailey	King
Baker	Langdon
of Fort Bend	Lehman
Baker of Grayson	Leyendecker
Bell	Lock
Blankenship	Loggins
Boethel	London
Bond	Mays
Boyd	McAlister
Boyer	McDonald
Bradbury	Mohrmann
Bradford	Monkhouse
Bray	Montgomery
Bridgers	Morris
Brown of Cherokee	Newell
Brown	Nicholson
of Nacogdoches	Oliver
Bundy	Pace
Burkett	Petsch
Burney	Piner
Celaya	Pope
Chambers	Reader of Erath
Clark	Reaves
Cockrell	Reed
Coleman	Rhodes
Colson, Mrs.	Roach
Cornett	Roberts
Corry	Robinson
Crossley	Russell
Daniel	Schuenemann
Davis of Jasper	Segrist
Davis of Upshur	Shell
Derden	Skiles
Dickison	Smith of Hopkins
Donaghey	Spencer
Dowell	Stinson
Felty	Talbert
Ferguson	Tarwater
Fuchs	Taylor
Galbreath	Tennant
Gordon, Mrs.	Thornberry
Hale	Vale
Hamilton	Vint
Hardin	Voigt
Harp	Waggoner
Harper	Weldon
Harris	Wells
Holland	Westbrook
Howard	White
Howington	Wilson
Hunt	Winfree
Isaacks	Wood
Johnson of Ellis	Worley
Keith	Wright

Nays—2

Hardeman

McNamara

Absent

Broadfoot	Johnson of Tarrant
Cauthorn	Leonard
Cleveland	Little
Dean	McDaniel
Dickson	McFarland
Dwyer	Pevehouse
Faulkner	Ragsdale
Fielden	Reader of Bexar
Gilmer	Riviere
Goodman	Smith of Frio
Hankamer	Smith
Harrell of Bastrop	of Matagorda
Harrell of Lamar	Stoll
Hartzog	Thornton
Hull	Turner

Absent—Excused

Colquitt

Kern

Heflin

McMurry

MESSAGE FROM THE SENATE

Austin, Texas, May 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has concurred in House amendments to Senate Bill No. 220 by the following vote: Yeas, 30; Nays, 0.

Adopted Conference Committee Report on Senate Bill No. 75 by the following vote: Yeas, 21; Nays, 5.

Passed

H. B. No. 1062, A bill to be entitled "An Act declaring a two (2) year closed season on wild fox in certain counties."

S. B. No. 200, A bill to be entitled "An Act defining bedding to include mattresses, pillows, bolsters, feather beds, etc.; requiring the labelling of bedding as to whether new or second-hand materials are used; etc., and declaring an emergency."

Adopted

S. C. R. No. 50, Authorizing the Highway Department to lend certain equipment.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate, was laid before the House, read first time, and referred

to the appropriate committee, as follows:

Senate Bill No. 200, to the Committee on Public Health.

BILLS AND RESOLUTIONS
SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 140, Authorizing certain correction in Senate Bill No. 220.

H. C. R. No. 141, Authorizing certain correction in House Bill No. 997.

H. C. R. No. 143, Recalling Senate Bill No. 115 from the Senate.

H. C. R. No. 58, Requesting Supreme Court to promulgate certain District Court Rule.

S. B. No. 181, "An Act amending Article 3726, Revised Civil Statutes, 1925, as amended by House Bill No. 73, First Called Session, Fortieth Legislature, relating to the admission of recorded instruments without proof, and declaring an emergency."

S. B. No. 99, "An Act amending Senate Bill No. 355, same being Chapter 338 of the Acts of the Regular Session of the Forty-fourth Legislature as amended by Senate Bill No. 309, the same being Chapter 341 of the Acts of the Forty-fifth Legislature, creating a Central Colorado River Authority, and declaring an emergency."

H. B. No. 1012, "An Act validating county line common school districts and county line consolidated common school districts in this State; validating all acts of the Board or Boards of Trustees in such districts; validating acts of County Commissioners' Courts in ordering an election; validating all acts of County Judges in ordering elections; validating all acts of officials declaring the results of such elections, etc., and declaring an emergency."

H. B. No. 988, "An Act amending Article 36 of the Revised Penal Code of the State of Texas, 1925 Revision, providing and naming when intoxication and use of narcotics shall mitigate the offense, and declaring an emergency."

H. B. No. 959, "An Act validating the organization of water control and

improvement districts created by authority of Chapter 25, Acts of the Thirty-ninth Legislature, and amendments thereto in any county in the State of Texas having a population of not less than two hundred and fifty thousand (250,000) and not more than three hundred and ten thousand (310,000), according to the last preceding Federal Census; and validating all Acts of the officials in creating such districts; and validating all bonds issued and all bonds voted but not yet issued by such districts; validating all acts of the officials of said district, and declaring an emergency."

H. B. No. 957, "An Act to prohibit seining, gigging, and taking fish by use of hands, or any other method other than by ordinary hook and line or set net, in any of the fresh waters of Bosque County, Texas; providing open seasons on set nets of not less than one and one-half (1½) inch mesh; providing for the taking of perch and catfish by the use of ordinary hook and line or by set nets not exceeding one and one-half (1½) inch mesh at any time; providing penalties for violation of the Act; repealing all laws and parts of laws therewith to the extent of the conflict only, and declaring an emergency."

H. B. No. 946, "An Act providing that in certain counties that it shall be unlawful for any person to trap or set a trap or deadfall on the inclosed or uninclosed land of another without the consent or permission of the owner of said land, and so that it shall be unlawful for any person, at any time, to trap or kill upon the posted or inclosed or uninclosed land of another, or be in possession of a muskrat or other furbearing animal or the hide of such animal, taken from such land, without the consent of the owner or lessee of such land; providing a penalty, and declaring an emergency."

H. B. No. 945, "An Act providing that in certain counties that whoever shall enter upon the inclosed or uninclosed land of another without the consent of the owner, proprietor or agent in charge thereof, and hunt with firearms or catch any game thereon, or thereon catch or take or attempt to catch or take any fish from any pond, lake, tank or stream on said land, or in any manner deplete upon the same, or take or attempt to take any property from the

inclosed or uninclosed land of another, shall be guilty of a misdemeanor; defining what constitutes 'inclosed land', and specifying that proof of ownership or lease or agency may be made by parol testimony; providing a penalty, and declaring an emergency."

H. B. No. 956, "An Act amending Article 1322 of the Revised Civil Statutes of the State of Texas, 1925, relating to the execution of deeds by corporations, and declaring an emergency."

H. B. No. 697, "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than fifty-three thousand, nine hundred and thirty (53,930) and not more than fifty-three thousand, nine hundred and forty (53,940), according to the last preceding United States Census; and providing for their compensation; providing the fund from which same shall be paid; prescribing the nature of certain of said meetings; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

H. B. No. 637, "An Act to amend paragraph (c), of Section 1, and paragraph (c), of Section 2, of Chapter 299, House Bill No. 759, Acts of the Regular Session of the Forty-fifth Legislature; defining the word 'trapper', and providing fees for licenses to engage in the taking of fur-bearing animals, and in selling the pelts thereof; repealing all laws in conflict, and declaring an emergency."

H. B. No. 548, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city which has more than seven thousand, eight hundred and fifty (7,850) population, and fewer than eight thousand (8,000) population, according to the last Federal Census, whether under General or Special Law, repealing all laws in conflict herewith, both General and Special, and providing, further, that this Act shall not affect any such independent school district which at this time may have a larger authorized rate of taxation, and declaring an emergency."

H. B. No. 196, "An Act releasing all penalty and interest accrued on ad valorem city taxes which were delinquent on June 1, 1938, in all cities in this State having a population of not less than two hundred thousand (200,000) nor more than two hundred and fifty thousand (250,000) by the last preceding Federal Census, provided said taxes are paid on or before June 1, 1939, and declaring an emergency."

H. B. No. 801, "An Act authorizing County Commissioners' Courts in certain counties to pay employees' salaries while ill or injured, providing payment of such salaries, providing mode and manner of payment of such salaries, providing vacation periods for employees in certain counties, providing number of days of said vacation during any calendar year, providing for full compensation during such vacation, and declaring an emergency."

H. B. No. 958, "An Act providing for a budget system in counties of 350,000 inhabitants or more as shown by the last preceding Federal Census, and the procedure thereunder, and the enforcement thereof, and for reports with respect to said budget, and the finances of said Counties; and providing for the contents of said reports and their publication; and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 513, "An Act to amend Chapter 17, Special Acts of the First Called Session of the Forty-second Legislature, being Senate Bill No. 44, permitting the seining of fish during the months of July, August and September of any year in Hunt, Kaufman and Rains Counties, and declaring an emergency."

H. B. No. 1051, "An Act granting permission to W. V. Guthrie, a citizen of the State of Texas, to bring and prosecute suit against the State of Texas, and the State Highway Commission of Texas in any court of competent jurisdiction in the State of Texas to ascertain the amount, if any, due the said W. V. Guthrie for damages alleged to have been sustained by reason of injuries suffered, if any, while working for the State Highway Department on or about October 27, 1937; etc., and declaring an emergency."

H. B. No. 1023, "An Act declaring it unlawful for any person to kill, take,

or have in his possession for purpose of sale in Angelina and Tyler Counties any wild fox or the pelts thereof, providing that this law shall be in force for a period of two (2) years; providing various exceptions and exemptions; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 1022, "An Act providing an open season when it shall be lawful to hunt, take, or kill squirrels in Angelina County, Texas; fixing a penalty for the violation hereof; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 1006, "An Act to ratify all the acts and proceedings of the County Board of School Trustees in any county in the State in consolidating common school districts to independent school districts having a scholastic population of not less than two hundred and fifty (250) and more than four hundred (400), according to the scholastic census at the time of the consolidation and ratifying and confirming all acts and proceedings of the Board in any way relating to such consolidation, and declaring an emergency."

H. B. No. 965, "An Act declaring a certain area adjacent to the town of Rockport, Aransas County, Texas, a Wildlife Sanctuary; providing a suitable penalty for hunting thereon; repealing all conflicting laws, and declaring an emergency."

H. B. No. 906, "An Act authorizing the Commissioners Court of any county having a population of not less than thirty-seven thousand, five hundred (37,500) and not more than thirty-eight thousand, six hundred (38,600) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Fifty (\$50.00) Dollars per month for traveling expenses; providing for the source of payment of such expenses, and declaring an emergency."

H. B. No. 466, "An Act exempting from all State and county ad valorem and occupation taxes certain office buildings of Parents and Teachers Associations, providing a saving clause, and declaring an emergency."

H. B. No. 459, "An Act to amend Article 1965 of the Revised Civil Statutes as amended by Chapter 48, Acts, 1929, Forty-first Legislature,

First Called Session, by providing the time for the County Judge to sign minutes of probate proceedings, and declaring an emergency."

H. B. No. 443, "An Act making it unlawful to reproduce or forge any archaeological object, representing same to be original, selling or exchanging the same, or knowingly have possession of same, providing for a penalty, and declaring an emergency."

H. B. No. 656, "An Act to amend Articles 3334-3334A, Title 54 of the Revised Civil Statutes of Texas, Revision 1925, as amended by adding a Section to be known as Article 3334B, validating the acts of Probate Courts in certain cases, and declaring an emergency."

H. B. No. 1052, "An Act validating the subdivision of common county line school districts partly situated in two (2) counties, the supervision of said schools being located in counties having a population of not less than thirty thousand, ten (30,010) and not more than thirty thousand, thirty (30,030), as shown by the last preceding Federal Census; etc., and declaring an emergency."

H. B. No. 1036, "An Act to provide for the maximum maintenance and bond tax rate for school purposes in all independent school districts in counties having a population of not less than fifty-one thousand, seven hundred and fifty (51,750) and not more than fifty-two thousand (52,000) inhabitants, according to the last preceding Federal Census, and containing in such independent school district a city of not less than twenty-seven thousand, seven hundred and forty (27,740) and not more than twenty-seven, eight hundred (27,800) inhabitants, according to the last preceding Federal Census; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1010, "An Act providing for a rural school music supervisor in certain counties; prescribing the duties of said supervisor; prescribing the method of employing the supervisor; providing for removal of such supervisor by the County Board of School Trustees on recommendation of the county superintendent; prescribing a manner of fixing and paying salary, and declaring an emergency."

H. B. No. 968, "An Act providing for more adequate and equitable sal-

aries for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specially in all those counties having not less than twenty thousand, seven hundred and ninety (20,790) and not more than twenty thousand, eight hundred and twenty-five (20,825) according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the general law, and declaring an emergency."

H. B. No. 919, "An Act permitting the taking of fish in public waters and streams in Erath and Hood Counties with certain exceptions; permitting the taking of minnows in certain cases; affixing penalties for violation thereof; repealing all laws and parts of laws in conflict herewith, and especially repealing House Bill No. 351, passed at the Regular Session of the Forty-sixth Legislature, 1939, and declaring an emergency."

H. B. No. 735, "An Act authorizing the Commissioners' Court of any county in this State or the governing body of any other subdivision of this State to enter into agreements with the Texas State Employment Service for the establishment and maintenance of a free public employment service within such county or political subdivision and authorizing the Commissioners' Court of any county or the governing body of any other political subdivision to appropriate and expend monies for such purpose."

H. B. No. 686, "An Act making an appropriation for the 'Upper Red River Flood Control and Irrigation District'; designating who shall have authority to execute vouchers; limiting the purposes for which the money may be spent, and declaring an emergency."

H. B. No. 1047, "An Act granting permission to W. E. Gorham, a citizen of the State of Texas, to bring and prosecute suit against the State of Texas, and the State Highway Commission of Texas in any court of competent jurisdiction in the State of Texas to ascertain the amount, if any, due the said W. E. Gorham for damages alleged to have been sustained by reason of injuries suffered, if any, while working for the State Highway Department on or about December 7, 1937; etc., and declaring an emergency."

H. B. No. 490, "An Act amending House Bill No. 38, Chapter 7, page 13, of the General and Special Laws of the Forty-third Legislature, Third Called Session, 1934, providing for open season for taking squirrels in Nacogdoches County; providing penalties; repealing all laws in so far as they may be in conflict, and declaring an emergency."

H. B. No. 1017, "An Act making it unlawful to catch by the use of seine of not less than three (3) inch mesh any fish in the waters of the Sabine River in Sabine County. Repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, provided this Act shall not apply to other streams in Sabine County, and declaring an emergency."

H. B. No. 31, "An Act amending Article 3370, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 29, "An Act amending Article 2246, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 27, "An Act amending Chapter 44, page 67, Acts of the Fortieth Legislature of the State of Texas, passed in 1927, and declaring an emergency."

H. B. No. 1045, "An Act giving the Commissioners Courts authority to fix the salary of the County Judge, Tax Assessor-Collector, County Clerk, District Clerk, Sheriff, and Criminal District Attorney in all counties in this State having a population of not less than thirty thousand and nine hundred (30,900) nor more than thirty-one thousand (31,000), according to the last preceding Federal Census; prescribing the minimum salary; fixing mode and manner of payment of such salaries; fixing effective date; repealing all laws and parts of laws in conflict herewith, to the extent of the conflict only, and declaring an emergency."

RECESS

Mr. White moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Mr. Celaya moved that the House recess until 2:30 o'clock p. m., today.

Mr. Morris moved that the House recess until 2:00 o'clock p. m., today.

Mr. Reed moved that the House recess until 3:00 o'clock p. m., today.

The motion of Mr. Celaya prevailed, and the House, accordingly, at 12:00 o'clock m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Tennant:

H. B. No. 1080, A bill to be entitled "An Act to authorize the citizens of Gregg County to adopt a County Home Rule Charter, to specify the requirements for adoption of such charter, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Howington:

H. B. No. 1084, A bill to be entitled "An Act repealing House Bill No. 666 passed at the Regular Session of the Forty-sixth Legislature, the same being a local game bill for Comanche County, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Gilmer asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1081.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Gilmer:

H. B. No. 1081, A bill to be entitled "An Act making an appropriation for the Upper Guadalupe River Authority; designating who shall have authority to execute vouchers under the directions and with the consent of Directors of said district; limiting the purposes for which the money may be spent; providing money therein appropriated is intended as a loan and is to be repaid to the State's General Revenue Fund from the first revenue

received by said district, and declaring an emergency."

Referred to the Committee on Appropriations.

Mr. Hardin asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1082.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Hardin:

H. B. No. 1082, A bill to be entitled "An Act to provide revenues for the purposes set out herein designated as social security taxes, such taxes to be levied upon retail sales, services, activities, and natural resources as set out by the provisions of this Act; providing for severance taxes in certain instances, making certain exemptions; defining the terms 'person', 'sale', 'tangible personal property', and 'sale for industrial purposes'; providing that the Comptroller of Public Accounts shall collect the taxes levied herein and pay the same to the State Treasurer; providing that the State Treasurer shall open and maintain certain special funds; providing for the transfer from the Texas Old Age Assistance Fund to the Destitute Children's Assistance Fund of One Million, Five Hundred Thousand (\$1,500,000.00) Dollars; providing for the transfer from the Texas Old Age Assistance Fund to the Teachers' Retirement Fund of an amount adequate to meet obligations for the period set out herein; providing that old age assistance, destitute children's assistance, teachers' retirement benefits and needy blind assistance and the State's administration thereof shall be paid exclusively from the revenue derived from the taxes herein levied and providing that no further taxes shall be levied for such purpose; making provisions relative to any deficit that may exist in the Old Age Assistance Fund; providing that the taxes levied herein are in addition to all other taxes that are now or may hereafter be levied; providing for the legalization of certain industries, endeavors and undertakings; prohibiting cities or other political subdivisions of the State from levying occupation taxes or charges upon any person engaged in business in which the sales or

service transactions are taxed under this Act and making certain exceptions; providing the effective date of this Act; repealing all laws or parts of laws in conflict herewith; and providing a saving clause, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

Mr. Smith of Frio asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1083.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Smith of Frio:

H. B. No. 1083, A bill to be entitled "An Act to aid the Nueces River Conservation and Reclamation District, embracing the Counties of Live Oak, McMullen, Frio, Zavalla, Atascosa, Real, Bee, Uvalde, Dimmit, Bandera, Medina, La Salle, and Edwards, in carrying out the powers, duties and functions conferred upon such District by the Legislature; granting and donating to such District, with limitations, for a period of twenty (20) years, fifty (50%) per cent of all the State ad valorem taxes for General Revenue purposes upon the property and from persons and counties comprising in whole or in part such District, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Burkett asked unanimous consent to introduce, at this time, and have placed on first reading, House Bill No. 1085.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Burkett and Mr. Crossley:

H. B. No. 1085, A bill to be entitled "An Act amending Section 5, of House Bill No. 955, of the Regular Session of the Forty-sixth Legislature, prescribing taxable values in certain school districts, and declaring an emergency."

Referred to the Committee on School Districts.

Mr. Donaghey asked unanimous consent, to introduce, at this time, and

have placed on first reading, House Bill No. 1086.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Donaghey and Mr. Bundy:

H. B. No. 1086, A bill to be entitled "An Act making an appropriation for the Pease River Flood Control District; designating who shall have authority to execute vouchers; limiting the purposes for which the money may be spent, and declaring an emergency."

Referred to the Committee on Appropriations.

SENATE BILL NO. 427 ON PASSAGE TO THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 427, Departmental Appropriation Bill, on its passage to third reading.

The bill having heretofore been read second time, with committee amendment, by Mr. Thornton, pending.

Mr. Wood offered the following amendments to the committee amendment:

Amend Senate Bill No. 427, page 220, line 28, by striking out the word "Eastham" and substituting in lieu thereof the word "Ramsey".

Amend Senate Bill No. 427, page 220, line 33, by striking out the word "Eastham" and substituting in lieu thereof the word "Clemens".

Amend Senate Bill No. 427, page 220, line 38, by striking out the word "Eastham" and substituting in lieu thereof the word "Harlem".

Amend Senate Bill No. 427, page 221, line 16, by striking out the word "Eastham" and substituting in lieu thereof the word "Retrieve".

Amend Senate Bill No. 427, page 221, line 11, by striking out the word "Eastham" and substituting in lieu thereof the words "Blue Ridge".

Amend Senate Bill No. 427, page 221, line 6, by striking out the word "Eastham" and substituting in lieu thereof the word "Darrington".

Amend Senate Bill No. 427, page 221, line 20, by adding a new Section to be known as Section 51-8 to read as follows:

"Farm Manager, Wynn Farm with house, fuel, lights and food provided for self and family, One Thousand, Six Hundred and Eighty (\$1,680.00) Dollars."

The amendments were severally adopted.

Mr. Wright offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, page 245, by adding the following:

"All employees of the State Prison System are hereby allowed without deduction in salary, not exceeding twelve days vacation, provided they have worked for the Prison System for twelve months or longer, and provided no additional person or persons shall be employed to replace those employees while on vacation."

The amendment was adopted.

Mr. Allen offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, by reducing all appropriations for stenographers listed in the sums of One Thousand, Three Hundred Fifty (\$1,350.00) Dollars per annum and in larger amounts to the sum of One Thousand, Two Hundred (\$1,200.00) Dollars."

On motion of Mr. Little, the amendment was tabled.

Mr. Taylor offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, by striking out lines 22 through 40, on page 2; all lines on page 3, 4 and 5, and lines 1 through 29, on page 6, and inserting in lieu thereof, the following:

1. Adjutant General	\$	4,000.00	\$	4,000.00
2. Assistant Adjutant General		3,600.00		3,600.00
3. Finance Officer		2,000.00		2,000.00
4. Personnel Officer		2,400.00		2,400.00
5. Assistant Personnel Officer		2,000.00		2,000.00
6. Special Order Clerk		1,500.00		1,500.00
7. Record Clerk		1,800.00		1,800.00

8.	Form Room Clerk	1,500.00	1,500.00
9.	Filing Clerk	1,500.00	1,500.00
10a.	Inspector	2,400.00	2,400.00
10b.	Inspector	2,400.00	2,400.00
10c.	Inspector	2,400.00	2,400.00
10d.	Inspector	2,400.00	2,400.00
10e.	Inspector	2,400.00	2,400.00
11a.	Stenographer	1,350.00	1,350.00
11b.	Stenographer	1,350.00	1,350.00
12a.	Secretary to Assistant Adjutant General	1,500.00	1,500.00
12b.	Secretary to Personnel Officer	1,500.00	1,500.00
13.	Custodian of Files	855.00	855.00
14.	Mailing Clerk	1,260.00	1,260.00
15.	Porter and Armorer	720.00	720.00
U. S. Property and Disbursing Office, Camp Mabry			
16.	Assistant Quartermaster General	2,400.00	2,400.00
17.	Requisition Officer	1,800.00	1,800.00
18.	Finance Officer	2,000.00	2,000.00
19.	Assistant Finance Officer	1,500.00	1,500.00
20.	Stock Records Officer	1,800.00	1,800.00
21.	Memorandum Receipt Officer	1,800.00	1,800.00
22.	Transportation Officer	1,500.00	1,500.00
23.	Property Loan Officer	1,800.00	1,800.00
24.	Auditor, Property Section	2,000.00	2,000.00
25a.	Stenographer	1,350.00	1,350.00
25b.	Stenographer	1,350.00	1,350.00
25c.	Stenographer	1,350.00	1,350.00
25d.	Stenographer	1,350.00	1,350.00
25e.	Stenographer	1,350.00	1,350.00
26.	Porter	720.00	720.00
Camp Mabry, Austin			
27.	Arsenal Officer	1,800.00	1,800.00
28.	Assistant Arsenal Officer	1,500.00	1,500.00
29a.	Laborer and porter	720.00	720.00
29b.	Laborer and porter	720.00	720.00
29c.	Laborer and porter	720.00	720.00
30.	Range Keeper	660.00	660.00
31a.	Motor Mechanic	1,500.00	1,500.00
31b.	Motor Mechanic	1,500.00	1,500.00
32.	Motor Pool Recorder	1,350.00	1,350.00
33.	Carpenter-mechanic	1,200.00	1,200.00
34a.	Night watchman	720.00	720.00
34b.	Night watchman	720.00	720.00
Camp Hulen, Palacios			
35.	Officer in Charge	2,400.00	2,400.00
36.	Watchman, to furnish own horse	900.00	900.00
37a.	Caretaker and watchman	720.00	720.00
37b.	Caretaker and watchman	720.00	720.00
37c.	Caretaker and watchman	720.00	720.00
37d.	Caretaker and watchman	720.00	720.00
Camp Wolters, Mineral Wells			
38.	Officer in charge	1,500.00	1,500.00
36th Division Headquarters, San Antonio			
39.	Acting Chief of Staff	3,500.00	3,500.00
40.	Adjutant	2,400.00	2,400.00
41.	Stenographer	1,350.00	1,350.00
36th Division Aviation Headquarters, Houston			
42.	Property Officer	1,800.00	1,800.00
43.	Night caretaker	900.00	900.00

56th Cavalry Brigade Headquarters,
San Antonio

44. Adjutant, Acting Chief of Staff.....	2,400.00	2,400.00
45. Stenographer	1,350.00	1,350.00
Total Salaries	\$ 99,395.00	\$ 99,395.00

Maintenance and Miscellaneous

46. Seasonal help, and labor prior to Federal Inspection; loading and hauling equipment to and from training camp.....	8,000.00	8,000.00
47. To each regiment, brigade and division headquarters for postage and stationery \$12.50 per month.....	2,550.00	2,550.00
48. Monthly pro rata to each company, troop and battery for actual necessary expenses, stamps and stationery	15,030.00	15,030.00
49. Rifle team fees and National Guard Association dues, travel.....	1,000.00	1,000.00
50. Martial law or emergency use of troops, non-transferable	20,000.00	20,000.00
51. Telegraph, telephone and postage and stationery	3,500.00	3,500.00
52. Ice, fuel, rent on maneuver grounds and miscellaneous expenses of operating summer encampments and grounds, including transportation, utilities, auto expense and repairs and replacements, Camps Mabry, Hulen and Wolters	15,000.00	15,000.00
53. Office supplies, printing, telephone, telegraph and postage.....	5,000.00	5,000.00
54. General maintenance, traveling expenses, bond premiums, extra help and other necessary expense	48,000.00	48,000.00

Total Maintenance and Miscellaneous.....	\$ 118,080.00	\$ 118,080.00
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Grand Total, Main Office.....	\$ 217,475.00	\$ 217,475.00
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State Service Office
Salaries and Maintenance

55. State Service Officer.....	\$ 3,000.00	\$ 3,000.00
56a. Assistant Service Officer.....	2,100.00	2,100.00
56b. Assistant Service Officer.....	2,100.00	2,100.00
57. Secretary	1,500.00	1,500.00
58a. Stenographer	1,350.00	1,350.00
58b. Stenographer	1,350.00	1,350.00
58c. Stenographer	1,350.00	1,350.00
58d. Stenographer	1,350.00	1,350.00
58e. Stenographer	1,350.00	1,350.00
59. Chaplain and service officer at U. S. Veterans' Hospital No. 93.....	1,800.00	1,800.00
60. Porter, part time.....	180.00	180.00
61a. Assistant State Service Officer.....	1,800.00	1,800.00
61b. Assistant State Service Officer.....	1,800.00	1,800.00
61c. Assistant State Service Officer.....	1,800.00	1,800.00
61d. Assistant State Service Officer.....	1,800.00	1,800.00
61e. Assistant State Service Officer.....	1,800.00	1,800.00
61f. Assistant State Service Officer.....	1,800.00	1,800.00
62. Travel expenses	10,360.00	10,360.00

63. Office and contingent expenses, stationery, postage, office supplies, equipment, telephone and telegraph.....	2,200.00	2,200.00
Total State Service Office.....	\$ 40,790.00	\$ 40,790.00
Grand Total, Adjutant General's Department	\$ 258,265.00	\$ 258,265.00

On motion of Mr. Thornton the amendment was tabled.

Mr. Reader of Bexar moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—57

Alsup	Kinard
Bell	Leonard
Blankenship	Leyendecker
Bond	Little
Bray	Loggins
Broadfoot	Mays
Brown of Cherokee	McFarland
Cauthorn	Mohrmann
Clark	Monkhouse
Cleveland	Morris
Cockrell	Nicholson
Colquitt	Pace
Corry	Petesh
Davis of Upshur	Ragsdale
Dean	Reader of Bexar
Dickson	Reed
Donaghey	Robinson
Faulkner	Schuenemann
Felty	Segrist
Fielden	Shell
Galbreath	Smith of Frio
Gilmer	Talbert
Harrell of Lamar	Tarwater
Hartzog	Tennant
Holland	Vale
Johnson of Ellis	Voigt
Johnson of Tarrant	Wells
Kennedy	Winfree
Kerr	

Nays—81

Allen	Bridgers
Allison	Brown
Anderson	of Nacogdoches
Bailey	Bundy
Baker	Burkett
of Fort Bend	Burney
Baker of Grayson	Chambers
Boyd	Coleman
Boyer	Colson, Mrs.
Bradbury	Cornett
Bradford	Crossley

Daniel	McDaniel
Davis of Jasper	McDonald
Derden	McNamara
Dickison	Newell
Dowell	Oliver
Dwyer	Pevehouse
Ferguson	Reader of Erath
Fuchs	Reaves
Goodman	Riviere
Gordon, Mrs.	Roach
Hale	Roberts
Hamilton	Russell
Hankamer	Skiles
Hardeman	Smith of Hopkins
Hardin	Spencer
Harp	Stinson
Harper	Stoll
Harris	Taylor
Howard	Thornberry
Howington	Thornton
Hull	Turner
Hunt	Vint
Isaacks	Waggoner
Keith	Weldon
Kersey	Westbrook
King	White
Langdon	Wilson
Lehman	Wood
Lock	Worley
London	Wright
McAlister	

Absent

Boethel	Pope
Celaya	Rhodes
Harrell of Bastrop	Smith
Piner	of Matagorda

Absent—Excused

Heflin	McMurry
Kern	Montgomery

Mr. Mays offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, by striking out on page 2, line 22, the figures "\$3,000.00" wherever they appear and insert in lieu thereof the figures "\$2,700.00".

The amendment was adopted.

Mr. Mays moved to reconsider the vote by which the amendment was

adopted, and to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion to reconsider the vote by which the amendment was adopted, it prevailed.

Question—Shall the amendment by Mr. Mays be adopted?

On motion of Mr. Mohrmann, the amendment by Mr. Mays was tabled.

Mr. White offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, committee amendment No. 1, page 5, line 24, by substituting in lieu of the figures "\$40,000.00" the figures "\$30,000.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. White offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, committee amendment No. 1, page 3, line 10, by substituting in lieu of the figures "\$2,400.00" the figures "\$2,000.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Goodman offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, Section 68, page 6, line 19, by striking out the figures "\$9,000.00" and substituting in lieu thereof, the figures "\$10,300.00", and by changing the totals to conform with the above figures in said Section.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Segrist offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, page 6, line 33, Item 2, by striking out the figures "\$2,100.00—\$2,100.00" and inserting in lieu thereof "\$2,400.00—\$2,400.00".

SEGRIST,
FUCHS,
RHODES,
WESTBROOK.

(Pending consideration of the amendment, Mrs. Colson occupied the Chair, temporarily.)

(Speaker in the Chair.)

On motion of Mr. Thornton, the amendment by Mr. Segrist was tabled.

Mr. Derden offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 6, line 32, item 1, by striking out the figures "\$3,600.00—\$3,600.00" and inserting in lieu thereof the figures "\$5,000.00".

Mr. Thornton moved to table the amendment.

The motion to table was lost.

Mr. Thornton offered the following substitute for the amendment by Mr. Derden:

Amend committee substitute to Senate Bill No. 427, page 6, line 32, by striking out the figures "\$5,000.00" and insert in lieu thereof the figures "\$4,000.00".

On motion of Mr. Ragsdale, the substitute amendment was tabled.

Mr. Vint offered the following substitute for the amendment by Mr. Derden:

Amend committee substitute for Senate Bill No. 427, page 6, by striking out in line 32 the figures "\$3,600.00" and inserting in lieu thereof the figures "\$4,200.00".

VINT,
WESTBROOK.

Mr. Faulkner moved the previous question on the amendment by Mr. Derden, and the substitute amendment by Mr. Vint, and the main question was ordered.

Question recurring on the substitute amendment, by Mr. Vint, it was adopted.

Question then recurring on the amendment, as substituted, it was adopted.

Question — Shall the committee amendment be adopted?

HOUSE BILL NO. 852 WITH SENATE AMENDMENTS

Mr. Allison called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 852, A bill to be entitled "An Act authorizing the Board of Directors of the Texas Technological College at Lubbock to lease at public auction for oil, gas, sulphur, and/or other mineral development all lands

used as experimental stations and all other lands under its exclusive control; providing for the Texas Technological College Special Mineral Fund and the manner it is to be administered; etc., and declaring an emergency."

On motion of Mr. Allison, the House concurred in the Senate amendments.

**ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
SENATE BILL NO. 69**

Mr. Howard submitted the following Conference Committee Report on Senate Bill No. 69:

Austin, Texas,
Committee Room,
May 11, 1939.

Honorable Coke R. Stevenson, President of the Senate.

Honorable R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the Senate and House on Senate Bill No. 69,

A bill to be entitled "An Act withdrawing from appearing party review in Court of Civil Appeals by means of writ of error, and declaring an emergency."

beg leave to report that we have adjusted the differences and recommend that Senate Bill No. 69 be passed in the attached form.

VAN ZANDT,
GRAVES,
PACE,
MARTIN,
MOORE,

On the part of the Senate.

HOWARD,
STINSON,
GORDON, MRS.,
HANKAMER,
ISAACKS,

On the part of the House.

S. B. No. 69

A BILL

To Be Entitled

An Act providing that no party who participates either in person or by his attorney in the actual trial of the case in the trial court shall be entitled to review by the Court of Civil Appeals through means of writ of error; providing for a repeal of all laws and parts of laws

insofar as they conflict with this Act or repeal; providing that writ of error shall continue to be available under the rules and regulations of the law, to a party who does not participate in the trial of the case in the trial court; providing for the effective date of this Act, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. No party who participates either in person or by his attorney in the actual trial of the case in the trial court shall be entitled to review by the Court of Civil Appeals through means of writ of error.

Section 2. All laws and parts of laws, insofar as they conflict with this Act, are repealed. Writ of error shall continue to be available under the rules and regulations of the law to a party who does not participate in the trial of the case in the trial court.

Section 3. It is hereby provided that this Act shall take effect from and after January 1, 1940.

Section 4. The need that delay of justice be not caused by parties who should reasonably use appeal instead of writ of error and the near approach of the end of the Session creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is suspended and this Act shall take effect from and after its passage, and it is so enacted.

On motion of Mr. Howard, the Report was adopted.

**ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
SENATE BILL NO. 206**

Mr. Leonard submitted the following Conference Committee Report on Senate Bill No. 206:

Austin, Texas, May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on Senate Bill No. 206, have met and beg leave to recommend that

said Senate Bill No. 206 be passed in the form hereto attached.

Respectfully submitted,

KELLEY,
MARTIN,
STONE of Washington,
WINFIELD,
LANNING,

On the part of the Senate.

LEONARD,
VALE,
BOND,
PETSCH,
CELAYA,

On the part of the House.

A BILL

To Be Entitled

An Act to simplify proceedings in delinquent tax suits; providing for a simplified form of petition in suits for the collection of delinquent taxes on both real and personal property, and providing for a simplified description of both real and personal property sought to be foreclosed upon; providing that such petition need not be verified; providing for a simplified form of citation; providing that the provisions of this Act shall be cumulative of and in addition to all other rights and remedies to which taxing units are now entitled, but repealing all laws in conflict herewith, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Hereafter in suits brought to collect delinquent taxes on real property, the petition shall contain substantially the following allegations:

(a) "The State of Texas, hereinafter called plaintiff, brings this suit in behalf of itself, _____ County, and for the use and benefit of all political subdivisions whose taxes are collected by the Assessor and Collector of Taxes for said County.

(b) "The defendants are _____, _____ and _____, who reside in _____ County, _____ and who own or claim some interest in the hereinafter described real property, which is situated in said _____ County.

(c) That as to each tract separately assessed: "That there are delinquent taxes justly due, owing and

unpaid against the property described as follows, to-wit: for the following years and in the amounts, to-wit:

Years Delinquent—

To Whom Assessed (If Unknown So State)—

Amounts—

together with penalties, interest and costs provided by law or legally accruing thereon in the total amount of \$ _____.

(d) That all said taxes were authorized by law and each political subdivision in whose behalf this suit is brought was legally constituted and authorized to levy, assess and collect the same and all of said taxes were duly and legally levied and assessed against said real property and the owners thereof (if known) and plaintiff now has and asserts a lien on each tract of real property described and mentioned above to secure the payment of all taxes, penalties, interest and costs due thereon; and all things required by law to be done have been duly and legally performed by the proper officials."

(e) "That all of said above described real estate was, at the time said taxes were assessed, located within the boundaries of the county and each political subdivision in whose behalf this suit is brought."

(f) "The attorney whose name is signed hereto is legally authorized and empowered to institute and prosecute this action on behalf of plaintiff."

Sec. 2. Such form of petition, insofar as applicable, may be used in suits for the collection of delinquent taxes on personal property, and in any such suit, it shall be sufficient to describe such personal property in such general terms as money, notes, bonds, stocks, credits, stocks of goods, wares, merchandise, fixtures, tools, machinery, equipment, automobiles, household and kitchen furniture and fixtures, beds, dressers, rugs, stoves, heaters, refrigerators, tables, pianos, radios, pictures, trunks, linens, kitchen utensils, dishes, silverware, jewelry, or any other appropriate general description, and no other or more particular description or designation shall be required as a prerequisite to a suit to obtain a personal judgment for taxes due upon personal property so described.

Sec. 3. The prayer to any such petition having for its purpose the collection of taxes on both real and per-

sonal property shall be sufficient if it contains the following, and if for the collection of either real or personal property taxes without the other, it may be changed so as to make it applicable to the class of property involved, viz:

Wherefore plaintiff prays judgment against defendant for the total amount of said taxes, together with all penalties, interest, costs and other charges or expenses that may be or become legally due and owing, together with foreclosure of the tax lien against the above described real estate securing the amount against each tract of real estate above described and for personal judgment against said defendants owning said personal property at the time same was assessed for taxation for the amount shown to be due on it.

Sec. 4. It shall not be necessary that such petition be verified.

Sec. 5. Hereafter in all suits for delinquent taxes, it shall be sufficient if the citation be substantially in the following form with proper changes to make it applicable to both real and personal property or to real or personal only according to the character of taxes sued for, to-wit:

"The State of Texas: To the Sheriff or any Constable of _____ County, Greeting:

"You are hereby commanded to summon _____ (by making publication, or by personal service in the manner provided by law): to appear at the next regular term of the _____ District Court of _____ County, Texas, to be held at the court house thereof in the city of _____ on the _____ Monday after the _____ Monday in _____,

A. D. 19____ then and there to answer a petition in a delinquent tax suit filed by the State of Texas suing in its own behalf and also in behalf of _____ County, and all political subdivisions of said county whose taxes are assessed and collected by the assessor and collector of taxes of said county, in said Court on the _____ day of _____ 19____,

in a suit numbered _____ on the docket of said Court, wherein the State of Texas is plaintiff and _____, and _____ are defendants. Said suit is a suit to collect taxes on the following described real estate (and/or personal property), to-wit: _____ for

the years and in the amounts as follows:

Years Delinquent _____
To Whom Assessed (If Unknown So State) _____

Amounts _____
together with penalties, interest, costs and expenses which have accrued, or which may legally accrue, thereon.

"(In the event any other taxing unit has intervened at the time such citation is issued, said citation shall also give notice thereof and it will be sufficient, if it contains the following information, to-wit:

'_____ District filed its Petition in Intervention in said cause on the _____ day of _____, 19____, to enforce payment of delinquent taxes on the real estate above described for the years and in the amounts as follows:

Years Delinquent _____
To Whom Assessed (If Unknown So State) _____

Amounts _____
together with penalties, interest, charges and expenses which have accrued or which may legally accrue thereon').

Plaintiff and/or intervenors also seek the establishment and foreclosure of the lien securing payment of such taxes as provided by law.

"Herein fail not, but have you before said Court, on the first day of the next term thereof, this writ, with your return thereon showing you have executed the same.

"Witness my hand and official seal at my office in _____ Texas, this _____ day of _____, A. D. 19____.

Clerk, District Court
_____ County, Texas."

Sec. 6. All of the provisions of this Act simplifying the collection of delinquent State and County taxes, are hereby made available for, and when invoked shall be applied to, the collection of delinquent taxes of all municipal corporations and political subdivisions of this State or any county thereof, authorized to levy and collect taxes.

Sec. 7. The provisions of this Act shall be cumulative of and in addition to all other rights and remedies for the collection of delinquent taxes to which taxing units are now entitled; but if any part or portion of this Act be in conflict with any part or portion of any law of this State,

the terms and provisions of this Act shall govern, and to the extent of such conflict, such other laws shall be repealed.

Sec. 8. The fact that there are large amounts of taxes now delinquent in this State, and that the laws governing the collection of such taxes are inadequate, cumbersome and expensive creates an emergency and an imperative public necessity demanding that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Leonard, the report was adopted by the following vote:

Yeas—110

Allen	Hankamer
Allison	Hardeman
Alsup	Hardin
Bailey	Harper
Baker	Harrell of Lamar
of Fort Bend	Harris
Baker of Grayson	Hartzog
Blankenship	Holland
Boethel	Howington
Boyer	Hull
Bradbury	Keith
Bradford	Kerr
Brown of Cherokee	Kersey
Burkett	King
Burney	Langdon
Chambers	Lehman
Clark	Leonard
Cleveland	Lock
Cockrell	Mays
Coleman	McAlister
Colquitt	McDaniel
Colson, Mrs.	McDonald
Cornett	McFarland
Daniel	McNamara
Davis of Jasper	Monkhouse
Davis of Upshur	Montgomery
Derden	Newell
Dickison	Nicholson
Dickson	Oliver
Donaghey	Pace
Dowell	Petsch
Dwyer	Pevehouse
Faulkner	Piner
Felty	Pope
Ferguson	Ragsdale
Fielden	Reader of Bexar
Fuchs	Reader of Erath
Gilmer	Reaves
Gordon, Mrs.	Reed
Hale	Rhodes
Hamilton	Riviere

Roach	Taylor
Roberts	Tennant
Russell	Thornton
Schuenemann	Turner
Segrist	Vint
Shell	Voigt
Skiles	Waggoner
Smith of Frio	Weldon
Smith of Hopkins	Wells
Smith	Westbrook
of Matagorda	White
Spencer	Wilson
Stinson	Winfree
Stoll	Wood
Talbert	Worley

Nays—8

Anderson	Mohrmann
Boyd	Morris
Galbreath	Tarwater
Kennedy	Thornberry

Present—Not Voting

Brown
of Nacogdoches

Absent

Bell	Howard
Bond	Hunt
Bray	Isaacks
Bridgers	Johnson of Ellis
Broadfoot	Johnson of Tarrant
Bundy	Kinard
Cauthorn	Leyendecker
Celaya	Little
Corry	Loggins
Crossley	London
Dean	Robinson
Goodman	Vale
Harp	Wright
Harrell of Bastrop	

Absent—Excused

Heflin	McMurry
Kern	

APPOINTMENT OF CONFERENCE COMMITTEE ON
HOUSE BILL
NO. 255

The Speaker announced the appointment of the following Conference Committee on House Bill No. 255: Messrs. Thornton, Heflin, Hankamer, London and McDonald.

CONFERENCE COMMITTEE
APPOINTED

On motion of Mr. Brown of Cherokee, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 118.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on Senate Bill No. 118: Messrs. Brown of Cherokee, Lock, Chambers, Thornton and Hankamer.

HOUSE BILL NO. 85 ON THIRD READING

(By unanimous consent)

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 85, A bill to be entitled "An Act making an appropriation to pay the apportionment to all counties in this State in which the officers are compensated on a salary basis as provided in Section 6, Subsection a, Chapter 465, Acts of the Forty-fourth Legislature, Second Called Session; making an appropriation to all such counties having a Criminal District Attorney or a County Attorney performing the duties of the District Attorney as provided in Section 13, Subsection b, Chapter 465, Acts of the Forty-fourth Legislature, Second Called Session, and declaring an emergency."

The bill was read third time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 85 was then passed by the following vote:

Yeas—86

Anderson	Donaghey
Bailey	Faulkner
Baker of Grayson	Felty
Blankenship	Fielden
Bradbury	Fuchs
Bradford	Goodman
Bridgers	Gordon, Mrs.
Broadfoot	Hale
Brown of Cherokee	Hamilton
Bundy	Hankamer
Burney	Hardin
Chambers	Harp
Cleveland	Harper
Cockrell	Harrell of Lamar
Coleman	Hartzog
Colquitt	Holland
Colson, Mrs.	Howard
Cornett	Hull
Corry	Hunt
Crossley	Johnson of Ellis
Daniel	Keith
Davis of Jasper	Kinard
Dickson	Lehman

Leonard	Shell
Leyendecker	Smith of Frio
Little	Smith
Lock	of Matagorda
Loggins	Spencer
McAlister	Stinson
McDaniel	Stoll
McDonald	Talbert
McNamara	Tennant
Monkhouse	Thornberry
Montgomery	Turner
Pevehouse	Vale
Piner	Waggoner
Pope	Weldon
Reader of Bexar	Wells
Reed	White
Rhodes	Wilson
Riviere	Winfree
Robinson	Worley
Schuenemann	Wright
Segrist	

Nays—36

Allen	Langdon
Allison	Mays
Alsup	Mohrmann
Boethel	Newell
Boyd	Nicholson
Boyer	Oliver
Burkett	Pace
Davis of Upshur	Petsch
Ferguson	Reader of Erath
Galbreath	Roach
Hardeman	Roberts
Harris	Russell
Howington	Smith of Hopkins
Isaacks	Tarwater
Kennedy	Taylor
Kerr	Thornton
Kersey	Westbrook
King	Wood

Present—Not Voting

Brown
of Nacogdoches

Absent

Baker	Dwyer
of Fort Bend	Gilmer
Bell	Harrell of Bastrop
Bond	Johnson of Tarrant
Bray	London
Cauthorn	McFarland
Celaya	Morris
Clark	Ragsdale
Dean	Reaves
Derden	Skiles
Dickison	Vint
Dowell	Voigt

Absent—Excused

Heflin	McMurry
Kern	

Mr. Hull moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

CONFERENCE COMMITTEE APPOINTED

On motion of Mr. Little, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Joint Resolution No. 4.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on Senate Joint Resolution No. 4: Messrs. Little, Donaghey, Gilmer, Bell and Stinson.

COMMITTEE APPOINTED PUR- SUANT TO HOUSE SIMPLE RESOLUTION NO. 264

The Speaker announced the appointment of the following committee, pursuant to House Simple Resolution No. 264, To make investigation in regard to Stream Pollution: Messrs. Schuenemann, Faulkner, Harper, Robinson and Taylor.

MESSAGE FROM THE SENATE

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 852, A bill to be entitled "An Act authorizing the Board of Directors of the Texas Technological College at Lubbock to lease at public auction for oil, gas, sulphur, and/or other mineral development all lands used at experimental stations and all other lands under its exclusive control; providing for the Texas Technological College Special Mineral Fund and the manner it is to be administered; providing for a permanent fund and the expenditures of the income from same prescribing the mode and manner of said oil, gas, sulphur and other mineral leases on said land; appropriating certain moneys received between the effective date of the Act and August 31, 1939, to the use of the Texas Technological College, its branches and divisions, authorizing necessary subdivision; procuring of abstracts, and advertisement with respect to sale of said leases; providing

penalty for delay in drilling; fixing certain regulations with regard to leasing; providing drilling operations shall not interfere with the operation of the Texas Technological College as a college and/or farm; providing for the filing of leases and records in the State Land Office; providing for extension of leases, and declaring an emergency." (With amendment.)

H. B. No. 994, A bill to be entitled "An Act validating and confirming all procedure in the organization and establishing of certain school district, validating all acts and procedure of School Boards and/or County Commissioners' Courts in such districts; making such acts cumulative of all laws and parts of laws not in conflict herewith, and declaring an emergency."

H. B. No. 1003, A bill to be entitled "An Act to fix the salaries and compensation of County Commissioners in counties with a taxable valuation of not less than Fifty-one Million, One Hundred Thousand (\$51,100,000.00) Dollars nor more than Fifty-one Million, Four Hundred Thousand (\$51,400,000.00) Dollars taxable valuation for county purposes according to the valuation as shown on the County Tax Assessor-Collector's rolls etc."

H. B. No. 1007, A bill to be entitled "An Act providing that in all counties in the State of Texas having a population of three hundred thousand (300,000) inhabitants or more, and less than three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding Federal Census, and where such counties have purchased and adopted voting machines for the purpose of holding elections, the County Auditor upon order of the Commissioners Court shall advertise for bids for the hauling and/or transporting voting machines to the various precincts in the county; providing that the Commissioners' Court shall award contract to the lowest and best bidder; providing that the Commissioners' Court shall reserve the right to reject any and all bids; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 1032, A bill to be entitled "An Act authorizing incorporated cities, towns or villages, independent school districts, common school districts, drainage districts, water control and improvement districts, water

improvement districts or navigation districts in this State to avail themselves of the services of County Tax Assessors and Collectors; fixing the compensation of said county officers for said services, and declaring an emergency."

The Senate has refused to concur in House amendments to Senate Bill No. 118, and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed, on the part of the Senate: Senators Aikin, Small, Weinert, Redditt and Cotten.

The Senate has adopted the Conference Committee Report on House Bill No. 108 by the following vote: Yeas, 22; Nays, 4.

The Senate has concurred in House amendments to Senate Bill No. 402 by the following vote: Yeas, 14; Nays, 10.

Adopted the Conference Committee Report on Senate Bill No. 69 by a viva voce vote.

Passed

H. B. No. 933, A bill to be entitled "An Act appropriating Five Million, Six Hundred and Thirty Thousand (\$5,630,000.00) Dollars per year, etc., for Rural Aid, and declaring an emergency." (With amendments.)

H. B. No. 926, A bill to be entitled "An Act appropriating the sum of Eight Hundred and Fifteen Thousand (\$815,000.00) Dollars per year, for the purpose of promoting public school interests, etc., and declaring an emergency." (With amendments.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 928, "An Act amending Article 4705, Article 4706, and Article 4993 and repealing Article 5006 of the Revised Civil Statutes of Texas of 1925, designating the funds and securities of which the capital stock of insurance companies incorporated under the provisions of Title 78, Chapter 2 of the Revised Civil Statutes of Texas, shall consist, designating the

securities in which funds of such companies may be invested, providing certain limitations on the amount of capital stock of general casualty companies and requiring deposits to be made by such companies, and declaring an emergency."

H. B. No. 997, "An Act applicable to the County of Kerr, State of Texas, providing the season for taking or attempting to take fish from the fresh public waters of said County, or the tributaries of said waters, and providing suitable penalty for violating any provision of this Act, and declaring an emergency."

H. B. No. 108, "An Act conferring and relinquishing to the Supreme Court full rule-making power in Civil Judicial proceedings, repealing all laws and parts of laws governing practice and procedure in civil actions, such repeal effective on and after January 1, 1940, providing that no substantive law or part thereof is thereby repealed; authorizing and empowering the Supreme Court by general order to continue such statutes in force as rules of the Court; investing the Supreme Court with full rule-making power and fixing the time for such to become effective, and declaring an emergency."

H. B. No. 1027, "An Act amending Article 2350 of the Revised Civil Statutes of 1925, as amended by the Forty-fifth Legislature so as to add thereto a new Section known as 2350 (5), providing for actual and necessary traveling expenses for Commissioners in the conduct of office in certain counties, and providing for source of payment of such expenses and approval thereof, and declaring an emergency."

S. B. No. 220, "An Act fixing the compensation of County Auditors in every county having a population of not less than fifty-one thousand, seven hundred and seventy-nine (51,779) nor more than fifty-two thousand (52,000), etc., providing a saving clause, and declaring an emergency."

S. B. No. 75, "An Act to regulate brokers who sell transportation or who make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation, furnish information relative to such transportation, or introduce parties; to require such brokers to have a broker's license; defining certain

terms; providing for the issuance, also the cancellation, of such license by the Railroad Commission of Texas, fixing the conditions under which such license may be issued; providing that the Railroad Commission may make reasonable rules and regulations applicable to all persons holding broker's license; providing for hearings; requiring a bond; providing for reviews of orders of the Commission; fixing a tax; providing penalties, and declaring an emergency."

H. B. No. 700, "An Act providing that no newspaper, magazine, or other publication, published daily, bi-weekly, weekly, monthly, or otherwise, shall sell, solicit, bargain for, offer or accept political advertisements for money, other consideration, or favors, from more than one candidate for any or all political offices, unless such publication shall have been published and circulated generally for at least twelve (12) months next preceding the acceptance of such political advertisement; provided that this Act shall not apply to those newspapers meeting certain qualifications herein set out; providing a penalty for the breach of this Act, and declaring an emergency."

H. B. No. 922, "An Act authorizing any county having title to a plot of ground used for public purposes, the area of which is in excess of the needs of the county for its public purposes, to sell such excess or any part thereof at private sale for any consideration deemed valuable in law and approved by its Commissioners' Court to the United States of America under the provisions of its statutes authorizing the acquisition of sites for public buildings, and declaring an emergency."

H. B. No. 1062, "An Act declaring a two (2) year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 808, "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and

Special Laws passed at the Second Called Session of the Forty-second Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of thirty-five thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million (\$15,000,000.00) Dollars, according to the last approved tax rolls, etc."

AUTHORIZING CERTAIN CORRECTIONS IN HOUSE BILL NO. 9

Mr. Daniel offered the following resolution:

H. C. R. No. 146, Authorizing certain corrections in House Bill No. 9.

Whereas, A number of errors and conflicts have been found in House Bill No. 9 since its final passage by both the House and the Senate, which should be corrected by the Enrolling Clerk; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk be instructed to make the following changes in House Bill No. 9, to-wit:

1. Correct caption to conform to bill as amended by the Senate.

2. Section 1, page 3, line 6, place a period after the word "office" and strike the balance of the sentence.

3. Section 1, page 3, line 21, add the words "firm or corporation" after the word "persons;" and in the same Section and line 22 add "for 10 years" between the words "inclosure" and "or" and on the same page, in line 23, add the words "10 years, or" in place of the word "and."

4. Section 1, Subsection (e), page 10, line 4, change the word "Commissioner" to "School Land Board" and strike the words "for a consideration of not less than One (\$1.00) Dollar per acre" and substitute in lieu thereof the words "as hereinafter provided."

5. Correct Subsection (f) of Section 1 as per corrected copy of the same attached hereto and made a part of this resolution.

6. Section 1, Subsection (h), page 13, line 16, add the words "not more than" between the words "on" and "seven-eighths"; line 19, change the word "Commissioner" to "School Land Board"; and line 20, strike the

word "acquired" and substitute in lieu thereof the words "until ninety (90) days."

7. Section 1, Subsection (h), page 14, line 1, in place of the words "not less than One (\$1) Dollar per acre and for the other consideration to be fixed by the Commissioner" substitute the following: "a consideration to be fixed by the School Land Board as hereinafter provided."

8. Correct Section 4-a to read as follows:

"Section 4-a. No mineral lease executed by an owner or owners of land or minerals under what is commonly known as the Relinquishment Act shall be effective until a certified copy of such lease is filed in the Land Office. No such lease executed after the effective date hereof shall be binding upon the State unless it recites the actual and true consideration paid or promised therefor."

9. Insert the words "belonging to the State of Texas," in the following places in Section 5: (a) page 18, line 2, between the words "sea," and "are"; (b) page 18, line 14, between the words "sea," and "are"; (c) page 20, line 13, after the word "sea."

10. Section 5, page 18, line 4, change the word "act" to read "section" and insert between the words "other" and "laws" the following: "pertinent provisions of this Act and other."

11. Section 5, page 20, line 26, change the word "act" to read "section"; and, page 21, line 19, strike the word "now."

12. Section 5, page 22, strike all of Subsection 16; and page 23, strike all of Subsections 17, 18 and 19.

"(f) Any good faith claimant who ascertains that a vacancy exists or that a claimed vacancy may exist, or who has been notified by the Commissioner that a vacancy has been found to exist upon lands claimed by him shall, at any time, until ninety (90) days after a decision of the Commissioner declaring the existence of a vacancy, have a preference right to purchase or lease same by applying in writing to the Commissioner for such purchase or lease, and by furnishing such proof as may be satisfactory to the Commissioner that he is a good faith claimant. Such good faith claimant shall then be entitled to purchase or lease such portion of said land as is vacant, at the price

fixed by the School Land Board, subject to the royalty reservations herein provided, effective as of the date such application is filed.

"Where there is no valid and subsisting prior filing by an applicant covering the alleged vacant area upon the date of the filing of a good faith claimant's application to purchase or lease, such application shall be accompanied by a filing fee of One (\$1.00) Dollar, by a written report of a surveyor licensed by the State, or the County Surveyor of the county in which the land or a part thereof is situated, with field notes describing the land and the lines and corners so surveyed, together with a plat showing the results of such survey, and by such proof as may be satisfactory to the Commissioner that he is a good faith claimant. Such good faith claimant may, however, if he so desires, file his application to purchase or lease, and within one hundred twenty (120) days from the date of filing with the Commissioner, cause a survey of the alleged vacancy to be made, and file the written report, field notes, and plat in the General Land Office, together with the proof that he is a good faith claimant. If it shall appear to the Commissioner that the alleged vacancy is not in conflict with the land previously titled, awarded or sold by the State, the Commissioner shall grant such application under the provisions of this Act; provided, however that prior to granting the application, the Commissioner may have a hearing at which any interested persons may appear.

"The application by a good faith claimant shall not be used or considered, in any way, as an admission on his part that a vacancy exists.

"Any good faith claimant shall also have a preference right until ninety (90) days after final judicial determination of the existence of a vacancy to purchase the land alleged or adjudicated to be vacant; provided, however, that if such good faith claimant shall not have exercised his preference right until after ninety (90) days after the decision of the Commissioner determining the existence of the vacancy, then the sale made to the good faith claimant shall be subject to a reservation in favor of the State of a free one-eighth (1/8) royalty of all oil, gas, sulphur and other minerals, and subject to any

lease made or to be made by the State to applicant, if any, of not more than thirteen-sixteenths (13/16) mineral interest as in this Act provided. If the Commissioner has theretofore executed a mineral lease on a larger portion of the minerals under said land, then such lease shall be amended to cover only thirteen-sixteenths (13/16) of the minerals so as to conform with the preference rights hereby given to good faith claimants.

"Any good faith claimant of a vacant or unsurveyed tract of land shall have ninety (90) days after the sale or lease by the Commissioner of said tract to institute suit to set aside the sale or lease of said tract of land. If said suit be not instituted by the good faith claimant within said ninety-day period, he shall lose all preference rights to buy or lease said land.

"If the Commissioner has failed to determine whether or not there is a good faith claimant, or if his decision is questioned by applicant or one asserting to be a good faith claimant, then such issue shall be determined in any suit brought under this Act to determine the existence of the alleged vacancy.

"Provided the good faith claimant shall pay back to the applicant the amount of expenses incurred in determining the existence of the vacancy, as provided for in Section 1, Subsection (c), except the filing fees, within ninety (90) days after the Commissioner has declared the vacancy to exist, or he shall lose all preference rights to lease or buy said land."

DANIEL,
SMITH of Matagorda,
TALBERT,
HARDEMAN.

The resolution was read second time.

Mr. Vint moved that further consideration of the resolution be postponed until 10:30 o'clock a. m., next Monday.

Mr. Talbert moved to table the motion to postpone.

The motion to table prevailed.

Question then recurring on the resolution by Mr. Daniel, it was adopted.

Mr. Daniel moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 1085 ON SECOND READING

Mr. Burkett moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1085 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127

Allen	Gordon, Mrs.
Allison	Hale
Alsup	Hamilton
Anderson	Hankamer
Bailey	Hardeman
Baker	Hardin
of Fort Bend	Harp
Baker of Grayson	Harper
Bell	Harrell of Lamar
Blankenship	Holland
Boethel	Howard
Bond	Howington
Boyd	Hull
Boyer	Hunt
Bradbury	Isaacks
Bradford	Johnson of Ellis
Bridgers	Johnson of Tarrant
Broadfoot	Keith
Brown of Cherokee	Kennedy
Brown	Kerr
of Nacogdoches	Kersey
Bundy	King
Burkett	Langdon
Burney	Lehman
Celaya	Leyendecker
Chambers	Little
Cleveland	Lock
Cockrell	London
Coleman	Mays
Colquitt	McAlister
Colson, Mrs.	McDaniel
Cornett	McDonald
Corry	McFarland
Crossley	McNamara
Daniel	Mohrmann
Davis of Jasper	Monkhouse
Davis of Upshur	Montgomery
Derden	Morris
Dickison	Newell
Dickson	Nicholson
Donaghey	Oliver
Dowell	Pace
Dwyer	Petsch
Faulkner	Pevehouse
Felty	Piner
Ferguson	Ragsdale
Fuchs	Reader of Bexar
Galbreath	Reader of Erath
Gilmer	Reaves

Reed	Taylor
Roach	Tennant
Roberts	Thornberry
Robinson	Thornton
Russell	Vale
Schuenemann	Voigt
Segrist	Waggoner
Shell	Weldon
Skiles	Wells
Smith of Hopkins	Westbrook
Smith	White
of Matagorda	Wilson
Spencer	Winfree
Stinson	Wood
Stoll	Worley
Tarwater	Wright

Present—Not Voting

Vint

Absent

Bray	Kinard
Cauthorn	Leonard
Clark	Loggins
Dean	Pope
Fielden	Rhodes
Goodman	Riviere
Harrell of Bastrop	Smith of Frio
Harris	Talbert
Hartzog	Turner

Absent—Excused

Heflin	McMurry
Kern	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1085, A bill to be entitled "An Act amending Section 5, of House Bill No. 955, of the Regular Session of the Forty-sixth Legislature, prescribing taxable values in certain school districts, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1085 ON THIRD READING

The Speaker then laid House Bill No. 1085 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—127

Allen	Bailey
Allison	Baker
Alsup	of Fort Bend
Anderson	Baker of Grayson

Bell	Kersey
Blankenship	King
Boethel	Langdon
Bond	Lehman
Boyd	Leyendecker
Boyer	Little
Bradbury	Lock
Bradford	London
Bridgers	Mays
Broadfoot	McAlister
Brown of Cherokee	McDaniel
Brown	McDonald
of Nacogdoches	McFarland
Bundy	McNamara
Burkett	Mohrmann
Burney	Monkhouse
Celaya	Montgomery
Chambers	Morris
Cleveland	Newell
Cockrell	Nicholson
Coleman	Oliver
Colquitt	Pace
Colson, Mrs.	Petesh
Cornett	Pevehouse
Corry	Piner
Crossley	Ragsdale
Daniel	Reader of Bexar
Davis of Jasper	Reader of Erath
Davis of Upshur	Reaves
Derden	Reed
Dickison	Roach
Dickson	Roberts
Donaghey	Robinson
Dowell	Russell
Dwyer	Schuenemann
Faulkner	Segrist
Felty	Shell
Ferguson	Skiles
Fuchs	Smith of Hopkins
Galbreath	Smith
Gilmer	of Matagorda
Gordon, Mrs.	Spencer
Hale	Stinson
Hamilton	Stoll
Hankamer	Tarwater
Hardeman	Taylor
Hardin	Tennant
Harp	Thornberry
Harper	Thornton
Harrell of Lamar	Vale
Holland	Voigt
Howard	Waggoner
Howington	Weldon
Hull	Wells
Hunt	Westbrook
Isaacks	White
Johnson of Ellis	Wilson
Johnson of Tarrant	Winfree
Keith	Wood
Kennedy	Worley
Kerr	Wright

Present—Not Voting

Vint

Absent

Bray	Kinard
Cauthorn	Leonard
Clark	Loggins
Dean	Pope
Fielden	Rhodes
Goodman	Riviere
Harrell of Bastrop	Smith of Frio
Harris	Talbert
Hartzog	Turner

Absent—Excused

Heflin	McMurry
Kern	

HOUSE BILL NO. 1080 ON SECOND READING

Mr. Tennant moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1080 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—131

Allen	Davis of Upshur
Allison	Derden
Alsup	Dickison
Anderson	Dickson
Bailey	Donaghey
Baker	Dwyer
of Fort Bend	Faulkner
Baker of Grayson	Felty
Bell	Ferguson
Blankenship	Fielden
Boethel	Fuchs
Bond	Gilmer
Boyd	Gordon, Mrs.
Boyer	Hale
Bradbury	Hamilton
Bradford	Hankamer
Broadfoot	Hardeman
Brown of Cherokee	Hardin
Brown	Harp
of Nacogdoches	Harper
Bundy	Harrell of Lamar
Burney	Harris
Cauthorn	Hartzog
Celaya	Holland
Clark	Howard
Cleveland	Howington
Cockrell	Hull
Coleman	Hunt
Colquitt	Isaacks
Colson, Mrs.	Johnson of Ellis
Cornett	Johnson of Tarrant
Crossley	Keith
Daniel	Kennedy
Davis of Jasper	Kerr

Kersey	Roach
Kinard	Roberts
King	Robinson
Langdon	Russell
Lehman	Schuenemann
Leonard	Shell
Leyendecker	Skiles
Little	Smith of Frio
Lock	Smith of Hopkins
London	Smith
Mays	of Matagorda
McAlister	Spencer
McDaniel	Stinson
McDonald	Stoll
McFarland	Tarwater
McNamara	Taylor
Monkhouse	Tennant
Montgomery	Thornberry
Morris	Thornton
Newell	Turner
Oliver	Vale
Pace	Vint
Petsch	Voigt
Pevehouse	Waggoner
Piner	Weldon
Pope	Wells
Ragsdale	Westbrook
Reader of Bexar	White
Reader of Erath	Wilson
Reaves	Winfree
Reed	Wood
Rhodes	Worley
Riviere	Wright

Nays—1

Galbreath

Absent

Bray	Goodman
Bridgers	Harrell of Bastrop
Burkett	Loggins
Chambers	Mohrmann
Corry	Nicholson
Dean	Segrist
Dowell	Talbert

Absent—Excused

Heflin	McMurry
Kern	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1080, A bill to be entitled "An Act to authorize the citizens of Gregg County to adopt a County Home Rule Charter, to specify the requirements for adoption of such charter, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1080 ON THIRD READING

The Speaker then laid House Bill No. 1080 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—131

Allen	Harrell of Lamar
Allison	Harris
Alsup	Hartzog
Anderson	Holland
Bailey	Howard
Baker	Howington
of Fort Bend	Hull
Baker of Grayson	Hunt
Bell	Isaacks
Blankenship	Johnson of Ellis
Boethel	Johnson of Tarrant
Bond	Keith
Boyd	Kennedy
Boyer	Kerr
Bradbury	Kersey
Bradford	Kinard
Broadfoot	King
Brown of Cherokee	Langdon
Brown	Lehman
of Nacogdoches	Leonard
Bundy	Leyendecker
Burney	Little
Cauthorn	Lock
Celaya	London
Clark	Mays
Cleveland	McAlister
Cockrell	McDaniel
Coleman	McDonald
Colquitt	McFarland
Colson, Mrs.	McNamara
Cornett	Monkhouse
Crossley	Montgomery
Daniel	Morris
Davis of Jasper	Newell
Davis of Upshur	Oliver
Derden	Pace
Dickison	Petsch
Dickson	Pevehouse
Donaghey	Piner
Dwyer	Pope
Faulkner	Ragsdale
Felty	Reader of Bexar
Ferguson	Reader of Erath
Fielden	Reaves
Fuchs	Reed
Gilmer	Rhodes
Gordon, Mrs.	Riviere
Hale	Roach
Hamilton	Roberts
Hankamer	Robinson
Hardeman	Russell
Hardin	Schuenemann
Harp	Shell
Harper	Skiles

Smith of Frio	Vale
Smith of Hopkins	Vint
Smith	Voigt
of Matagorda	Waggoner
Spencer	Weldon
Stinson	Wells
Stoll	Westbrook
Tarwater	White
Taylor	Wilson
Tennant	Winfree
Thornberry	Wood
Thornton	Worley
Turner	Wright

Nays—1

Galbreath

Absent

Bray	Goodman
Bridgers	Harrell of Bastrop
Burkett	Loggins
Chambers	Mohrmann
Corry	Nicholson
Dean	Segrist
Dowell	Talbert

Absent—Excused

Heflin
Kern

McMurry

ADJOURNMENT

Mr. Keith moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Galbreath moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Mr. Bridgers moved that the House recess until 7:30 o'clock p. m., today.

The motion of Mr. Galbreath prevailed, and the House, accordingly, at 4:35 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

School Districts: House Bill No. 1085.

Public Health: Senate Bill No. 200.

Education: House Bill No. 340; Senate Bill No. 292.

State Affairs: House Bills Nos. 1079 and 1083; Senate Bill No. 285;

House Concurrent Resolutions Nos. 142 and 144.

Revenue and Taxation: House Bill No. 1082.

Municipal and Private Corporations: House Bill No. 1080.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 29, "An Act amending Article 2246, Revised Civil Statutes of Texas, 1925; providing effective date of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 31, "An Act amending Article 3370, Revised Civil Statutes of Texas, 1925; providing effective date of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 196, "An Act releasing all penalty and interest accrued on ad valorem city and independent school district taxes which were delinquent on June 1, 1938, in all cities in this State having a population of not less than two hundred thousand (200,000) nor more than two hundred and fifty thousand (250,000) by the last preceding Federal Census, provided said taxes are paid on or before June 1, 1939; exempting from provisions of the Act penalties and interest on taxes which have been reduced to

final judgment, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 443, "An Act making it unlawful to reproduce or forge any archaeological or other object, representing same to be original, selling or exchanging the same; requiring non-residents who collect archaeological or paleontological material to obtain a license; providing for renewal of license; providing a saving clause; providing for a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 459, "An Act to amend Article 1965 of the Revised Civil Statutes of Texas, of 1925, as amended by Chapter 48, Acts, 1929, Forty-first Legislature, First Called Session, by providing the time for the County Judge to sign Minutes of Probate proceedings, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 466, "An Act exempting from all State and county ad valorem and occupation taxes certain office buildings of the Texas Congress of Parents and Teachers; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 490, "An Act amending House Bill No. 38, Chapter 7, page 13 of the General and Special Laws of the Forty-third Legislature, Third Called Session, 1934, providing for open season for taking squirrels in Nacogdoches County; providing penalties; repealing all laws in so far as they may be in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 513, "An Act to amend Chapter 17, Special Acts of the First Called Session of the Forty-second Legislature, being Senate Bill No. 44, permitting the seining of fish during the months of July, August and September of any year in Kaufman County, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 548, "An Act to fix the maximum rate of tax to be levied for school purposes in all Independent School Districts which include within their limits a city which has more than seven thousand, eight hundred and fifty (7,850) population, and fewer than eight thousand (8,000) population, according to the last preceding Federal Census, whether under General or Special Law; repealing all laws in conflict herewith, both General and Special; and providing further, that this Act shall not affect any such Independent School District which at this time may have a larger authorized rate of taxation, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 637, "An Act to amend paragraph (c) of Section 1, and paragraph (c) of Section 2, of Chapter 299, House Bill No. 759, Acts of the Regular Session of the Forty-fifth Legislature; defining the word "trapper," and providing fees for licenses to engage in the taking of fur-bearing animals, and in selling the pelts thereof; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 656, "An Act to amend Article 3334-3334a, Title 54 of the Revised Civil Statutes of Texas, Revision of 1925 as amended, by adding a new Section to be known as Article 3334b; validating the Acts of Probate Courts in certain cases, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 686, "An Act making an appropriation for the 'Upper Red River Flood Control and Irrigation District'; designating who shall have authority to execute vouchers under the direction and with the consent of Directors of said District; limiting the purposes for which the money may be spent; providing money therein appropriated is intended as a loan and is to be repaid to the State's General Revenue Fund from the first revenue received by said District, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 697, "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than fifty-three thousand, nine hundred and thirty (53,930) and not more than fifty-three thousand, nine hundred and forty (53,940), according to the last preceding United States Census; and providing for their compensation; providing the fund from which same shall be paid; prescribing the nature of certain of said meetings; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 735, "An Act authorizing the Commissioners' Court of any county in this State or the governing body of any other subdivision of this State to enter into agreements with the Texas State Employment Service for the establishment and maintenance of a free public employment service within such county or political subdivision and authorizing the Commissioners' Court of any county or the governing body of any other political subdivision to appropriate and expend moneys for such purpose, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 801, "An Act authorizing and requiring County Commissioners Courts in certain counties to pay employees salaries while ill from injuries

received in line of duty; also in cases of illness directly resulting from employment; providing mode and manner of payment of such salaries and amount of same; providing method of determining liability of County Commissioners Courts; providing for hearings, examination of witnesses and giving County Commissioners Courts rights to subpoena witnesses; providing method of appeal; providing for vacation with pay during each calendar year; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 906, "An Act authorizing the Commissioners Courts of any county having a population of not less than thirty-seven thousand, five hundred (37,500) and not more than thirty-eight thousand, six hundred (38,600) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Thirty-five (\$35.00) Dollars per month for traveling expenses; providing for the source of payment of such expenses, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 919, "An Act permitting the taking of fish in public waters and streams in Erath and Hood Counties with certain exceptions; permitting the taking of minnows in certain cases; affixing penalties for violation thereof; repealing all laws and parts of laws in conflict herewith, and especially repealing House Bill No. 351, passed at the Regular Session of the Forty-sixth Legislature, 1939, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 945, "An Act providing that in certain counties that whoever shall enter upon the inclosed or uninclosed land of another without the consent of the owner, proprietor, or agent in charge thereof, and hunt with firearms or catch any game thereon, or thereon catch or take or attempt to catch or take any fish from any pond, lake, tank, or stream on said land, or in any manner depredate upon the same, or take or attempt to take any property from the inclosed or uninclosed land of another, shall be guilty of a misdemeanor; defining what constitutes 'inclosed land'; and specifying that proof of ownership or lease or agency may be made by parol testimony; providing a penalty; providing exceptions; providing for arrest without warrant for same, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 946, "An Act providing that in certain counties that it shall be unlawful for any person to trap or set a trap or deadfall on the inclosed or uninclosed land of another without the consent or permission of the owner of said land; and so that it shall be unlawful for any person, at any time, to trap or kill upon the posted or inclosed or uninclosed land of another, or be in possession of a muskrat or other fur-bearing animal or the hide of such animal, taken from such land, without the consent of the owner or leases of such land; providing a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 956, "An Act amending Article 1322 of the Revised Civil Statutes of the State of Texas, 1925, relating to the execution of deeds by corporations, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 957, "An Act to prohibit seining, gigging, and taking fish by use of hands, or any other method other than by ordinary hook and line, in any of the fresh waters of Bosque County, Texas; providing for the taking of perch and catfish by the use of ordinary hook and line at any time; providing penalties for violation of the Act; repealing all laws and parts of laws therewith to the extent of the conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 958, "An Act providing for a budget system in counties of three hundred and fifty thousand (350,000) inhabitants or more as shown by the last preceding or any future Federal Census, and the procedure thereunder, and the enforcement thereof, and for reports with respect to said budget, and the finances of said counties; and providing for the contents of said reports and their publication; and repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 959, "An Act validating the organization of water control and improvement districts created by authority of Chapter 25, Acts of the Thirty-ninth Legislature, and amendments thereto in any county in the State of Texas having a population of not less than two hundred and fifty thousand (250,000) and not more than three hundred and ten thousand (310,000), according to the last preceding Federal Census; and validating all acts of the officials in creating such districts; and validating all bonds issued and all bonds voted but not yet issued by such districts; validating all acts of the officials of said district, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 965, "An Act declaring a certain area adjacent to the town of Rockport, Aransas County, Texas, a wildlife sanctuary; providing for markers; providing a suitable penalty for hunting therein; repealing all conflicting laws, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 968, "An Act providing for more adequate and equitable salaries for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, especially in all those counties having not less than twenty thousand, seven hundred and ninety (20,790) and not more than twenty thousand, eight hundred and twenty-five (20,825), according to the last preceding Federal

Census; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the General Law, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 988, "An Act amending Article 36 of the Revised Penal Code of the State of Texas, 1925 Revision, providing and naming when intoxication and use of narcotics shall mitigate the offense, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1006, "An Act to ratify all acts and proceedings of the county board of school trustees in any county in the State in consolidating common school districts to independent school districts having a scholastic population of not less than two hundred and fifty (250) nor more than four hundred (400) according to the scholastic census at the time of the consolidation, and ratifying and confirming all acts and proceedings of the board in any way relating to such consolidation, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1010, "An Act providing for a rural school music supervisor in certain counties; prescribing the duties of said supervisor; prescribing the method of employing the supervisor; providing for removal of such supervisor by the county board of school trustees on recommendation of the county superintendent; prescribing

ing manner of fixing and paying salary, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1012, "An Act validating County Line Common School Districts and County Line Consolidated Common School Districts in certain counties in this State; validating all acts of the Board or Boards of Trustees in such districts; validating acts of County Commissioners Courts in ordering an election; validating all acts of County Judges in ordering elections; validating all acts of officials declaring the results of such elections; validating all bonds issued now outstanding; validating all tax levies heretofore made, and all bonds heretofore authorized or heretofore voted but not yet issued; validating all orders, notices, and things requested in the authorization and issuance of bonds; validating the sale, execution, and delivery thereof; validating each and every procedural act heretofore done or performed in the organization, management, control, and operation of such school districts; providing nothing in the Act shall affect the Glade-water County Line Independent School District, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1022, "An Act providing an open season when it shall be lawful to hunt, take, or kill squirrels in Angelina County, Texas; fixing a penalty for the violation hereof; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1023, "An Act declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale in Angelina and Tyler Counties any wild fox or the pelts thereof; providing that this law shall be in force for a period of two (2) years; providing various exceptions and exemptions; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1036, "An Act to provide for the maximum maintenance and bond tax rate for school purposes in all independent school districts in counties having a population of not less than fifty-one thousand, seven hundred and fifty (51,750) and not more than fifty-two thousand (52,000) inhabitants, according to the last preceding Federal Census, and containing in such independent school district a city of not less than twenty-seven thousand, seven hundred and forty (27,740) and not more than twenty-seven thousand, eight hundred (27,800) inhabitants, according to the last preceding Federal Census; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1045, "An Act giving the Commissioners Courts authority to fix the salary of the County Judge, Tax Assessor-Collector, County Clerk, Dis-

strict Clerk, Sheriff, County Attorney, and County Commissioners in all counties in this State having a population of not less than thirty thousand, nine hundred (30,900) nor more than thirty-one thousand (31,000), according to the last preceding Federal Census; prescribing the minimum salary; fixing mode and manner of payment of such salaries; repealing all laws and parts of laws in conflict herewith, to the extent of the conflict only; declaring the intent of the Act to be a modification of Article 3912e, Section 13, Revised Civil Statutes of Texas; providing for the effective date of the Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1047, "An Act granting permission to W. E. Gorham, a citizen of the State of Texas, to bring and prosecute suit against the State of Texas, and the State Highway Commission of Texas in any court of competent jurisdiction in the State of Texas to ascertain the amount, if any, due the said W. E. Gorham for damages alleged to have been sustained by reason of injuries suffered, if any, while working for the State Highway Department on or about December 7, 1937; said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit were one for the recovery of compensation insurance by any citizen against the State Highway Commission of Texas if the said State Highway Commission of Texas had complied with all the requirements of Article 6674s of the Revised Civil Statutes of the State of Texas on the date of the injury and had in effect compensation insurance at said time; providing for right of appeal by either party and for the joinder of other proper or necessary parties; providing for service of citation on the State and the Highway Commission of Texas, and how, if any, recovery shall be paid; and providing the time in which said suit may be brought; and providing that the State of Texas and the State Highway Commission may

plead any defense available to it, except the Statute of Limitation, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1051, "An Act granting permission to W. V. Guthrie, a citizen of the State of Texas, to bring and prosecute suit against the State of Texas and the State Highway Commission of Texas in any Court of competent jurisdiction in the State of Texas to ascertain the amount, if any, due the said W. V. Guthrie for damages alleged to have been sustained by reason of injuries suffered, if any, while working for the State Highway Department on or about October 27, 1937; said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit were one for the recovery of compensation insurance by any citizen against the State Highway Commission of Texas if the said State Highway Commission of Texas had complied with all the requirements of Article 6674s of the Revised Civil Statutes of the State of Texas on the date of the injury and had in effect compensation insurance at said time; providing for right of appeal by either party and for the joinder of other proper or necessary parties; providing for service of citation on the State and the Highway Commission of Texas, and how, if any, recovery shall be paid; and providing the time in which said suit may be brought; and providing that the State of Texas and the State Highway Commission may plead any defense available to it, except its failure to have compensation insurance and the Statute of Limitations, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1052, "An Act validating the subdivision of common county line

school districts partly situated in two (2) counties; the supervision of said schools being located in counties having a population of not less than thirty thousand and ten (30,010) and not more than thirty thousand and thirty (30,050), as shown by the last preceding Federal Census; validating the acts of the county school boards of trustees of such counties in annexation of such subdivided territory to adjoining school districts in their respective counties; validating the acts of county school boards of trustees of such county; validating all elections, tax assessments, assessment rolls, tax rolls, and the levy of taxes by said districts; validating all proceedings had in the issuance of bonds and the levy of taxes therefor; validating the issuance of refunding bonds for the purpose of the assumption of bonded indebtedness of such county line school districts; eliminating certain school districts from the provisions of the Act; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 928, "An Act amending Article 4705, Article 4706, and Article 4993 as amended and repealing Article 5006 as amended of the Revised Civil Statutes of Texas of 1925, designating the funds and securities of which the capital stock of insurance companies incorporated under the provisions of Title 78, Chapter 2 of the Revised Civil Statutes of Texas shall consist, designating the securities in which funds of such companies may be invested; providing certain limitations on the amount of capital stock of general casualty companies and requiring deposits to be made by such companies, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 997, "An Act applicable to the County of Kerr, State of Texas, providing the season for taking or attempting to take fish from the fresh public waters of said County, or the tributaries of said waters; and providing suitable penalty for violating any provision of this Act; repealing all laws and parts of laws in conflict, including page 42 of Chapter 202, Acts of the Forty-first Legislature, 1929, as amended, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1017, "An Act making it lawful to catch by the use of seine of not less than three (3) inch mesh any fish in the waters of the Sabine River in Sabine County; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only; provided this Act shall not apply to other streams in Sabine County, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1027, "An Act amending Article 2350 of the Revised Civil Statutes of 1925, as amended by the Forty-fifth Legislature, so as to add thereto a new Section known as 2350(5), providing for actual and necessary traveling expenses for Commissioners in the conduct of office in certain counties; and providing for source of payment of such expenses."

and approval thereof, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 27, "An Act amending Chapter 44, page 67, Acts of the Fortieth Legislature of the State of Texas, passed in 1927; providing effective date of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 58, Requesting the Supreme Court to promulgate a District Court Rule in the form of Federal Rule 16 adopted by the United States Federal Courts.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1062, "An Act declaring a two (2) year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 108, "An Act conferring and relinquishing to the Supreme Court full rule-making power in civil judicial proceedings, repealing all laws and parts of laws governing practice

and procedure in civil actions, such repeal effective on and after September 1, 1941, providing that no substantive law or part thereof is thereby repealed; investing the Supreme Court with full rule-making power and fixing September 1, 1941, as the time for such rules to become effective, unless disapproved by the Legislature; providing that such rules shall not abridge, enlarge or modify the substantive rights; providing for filing of such rules with the Secretary of State and report to the Legislature and its Members; providing for promulgation of specific rules or amendments to rules by the Supreme Court after September 1, 1941; providing and limiting the time for such rules to become effective, unless disapproved by the Legislature, and further providing for filing of such rules with the Secretary of State and the mailing of a copy thereof to each registered member of the State Bar of Texas, and report to the Legislature; providing that the Supreme Court shall file with the Secretary of State a list of all Articles or Sections of the General Laws of the State, in its judgment, repealed by Section 1 of this Act, and further providing for the construction to be given such list; providing for publication of rules; providing that if any sentence, paragraph or Section of this Act shall be held invalid or unconstitutional, that it should not invalidate any other portion of the Act, and the Legislature declares it would have passed such remaining Sections despite such invalidity, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 141, Instructing the Enrolling Clerk of the House to strike out in House Bill No. 997 from line 4 of Section 1 of the bill, the words "in said County" and insert in lieu thereof the following: "in Kerr County, Texas."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 140, Instructing the Enrolling Clerk of the Senate to make certain changes in Senate Bill No. 220.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 143, Requesting the return of Senate Bill No. 115 for correction.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 700, "An Act providing that no newspaper, magazine, or other publication, published daily, biweekly, weekly, monthly, or otherwise, shall sell, solicit, bargain for, offer, or accept political advertisements for money, other consideration, or favors, from more than one candidate for any or all political offices, unless such publication shall have been published and circulated generally for at least twelve (12) months next preceding the acceptance of such political advertisement; provided that this Act shall not apply to those newspapers meeting certain qualifications herein set out; providing a penalty for the breach of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 808, "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas

of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws passed at the Second Called Session of the Forty-second Legislature, as amended by Acts of 1937, Forty-fifth Legislature, First Called Session, Chapter 45, page 1826, relating to the appointment and compensation of County Auditors in counties containing a population of thirty-five thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million (\$15,000,000) Dollars, or over, according to the last approved tax rolls; and providing that in all counties of not less than seven thousand, six hundred and eighty (7,680) inhabitants and not more than seven thousand, seven hundred (7,700) inhabitants according to the 1930 Federal Census, the Commissioners' Courts thereof shall have the power to determine whether an auditor for such county is a public necessity in the dispatch of the county's business, and if such Court determines that such necessity exists for such auditor, it may appoint same, who shall qualify and perform the duties required of a County Auditor in this State, and such Commissioners' Court shall have the power to discontinue such office at any time that it may determine that such auditor be not a public necessity; fixing salaries of County Auditors in counties of not less than thirty-five thousand (35,000) nor over thirty-seven thousand (37,000) inhabitants, according to the 1920 Federal Census, and in all counties of not less than forty-three thousand, five hundred (43,500) nor over forty-four thousand (44,000) inhabitants, according to the said 1920 Federal Census; and providing for additional compensation for the County Auditors in such counties having more than two hundred thousand (200,000) population and not more than three hundred thousand (300,000) population according to the last Federal Census where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county; fixing the salaries of

County Auditors in all counties having a population of not less than twenty-nine thousand, four hundred (29,400) nor more than twenty-nine thousand, five hundred (29,500); and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 922, "An Act authorizing any county having title to a plot of ground used for public purposes, the area of which is in excess of the needs of the county for its public purposes, to sell such excess or any part thereof at private sale for any fair consideration and approved by its Commissioners' Court to the United States of America under the provisions of its Statutes; authorizing the acquisition of sites for public buildings; vesting in the Commissioners' Court the power to make such sales and prescribing its procedure in regard thereto and how and by whom conveyance is to be made in carrying out any such sale; validating and legalizing all proceedings and orders heretofore had and made by the Commissioners' Court of any county undertaking to make any such sale to the United States of America as well as any deed executed and delivered or hereafter executed and delivered, carrying out any such sale; providing the Commissioners' Court shall incorporate in any deed of conveyance to the United States of America a provision reserving concurrent jurisdiction over said lands for the purpose of serving all State criminal and civil process, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

May 11, 1939

House Concurrent Resolution No. 89.

House Bill No. 1014.

House Bill No. 996.

May 12, 1939

House Bill No. 196.

House Bill No. 108.

House Bill No. 957.

House Bill No. 956.

House Bill No. 946.

House Bill No. 945.

House Bill No. 697.

House Bill No. 637.

House Bill No. 988.

House Bill No. 959.

House Bill No. 1012.

House Bill No. 548.

House Concurrent Resolution No. 143.

House Concurrent Resolution No. 141.

House Concurrent Resolution No. 140.

SEVENTY-SECOND DAY

(Monday, May 15, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Chambers
Allen	Clark
Allison	Cleveland
Alsup	Cockrell
Anderson	Coleman
Bailey	Colquitt
Baker	Colson, Mrs.
of Fort Bend	Cornett
Baker of Grayson	Corry
Bell	Daniel
Blankenship	Davis of Jasper
Boethel	Davis of Upshur
Bond	Dean
Boyd	Derden
Boyer	Dickison
Bradbury	Dickson
Bradford	Donaghey
Bray	Dowell
Bridgers	Dwyer
Broadfoot	Faulkner
Brown of Cherokee	Felty
Brown	Ferguson
of Nacogdoches	Fuchs
Bundy	Galbreath
Burkett	Gilmer
Burney	Goodman
Cauthorn	Gordon, Mrs.
Celaya	Hale